

Washington, Saturday, January 30, 1960

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the Federal Register, paragraph (a) (8) of § 6.333 is revoked and paragraph (a) (13) is added as set out below.

§ 6.333 General Services Administration.

(a) Office of the Administrator. * * * (13) Deputy to the Special Assistant to the Administrator—Congressional and Public Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

United States Civil Service Commission,

[SEAL]

MARY V. WENZEL,

Executive Assistant.

[F.R. Doc. 60-947; Filed, Jan. 29, 1960; 8:54 a.m.]

PART 29-RETIREMENT

Reemployment of Annuitants

Paragraph (d) of § 29.18 is amended as set out below.

§ 29.18 Reemployment of annuitants.

(d) This paragraph shall apply to each annuitant who is not described in the first sentence of paragraph (c) of this section. If such annuitant becomes employed on or after October 1, 1956, in an elective or appointive position, (1) his annuity shall continue, (2) no retirement deductions shall be made from his salary, and (3) there shall be deducted from his salary, except for lump-sum leave purposes, an amount equal to the annuity allocable to the period of actual employment. If such annuitant who becomes employed on or after October 1, 1956, or who was serving on July 31, 1956, serves continuously for at least one year

in full-time employment not excluded from coverage by section 2(b) of the Civil Service Retirement Act, he shall, upon termination of such employment by separation for more than three calendar days or by conversion to other than full-time status, receive a supplemental annuity. Such supplemental annuity (i) shall be computed under the formula provided by the law in effect at the date of termination of employment, (ii) shall be based on all periods of full-time employment performed after his retirement. with such periods considered as part of his total service, and (iii) shall be based on the average basic salary (before annuity deduction) received during such periods of full-time employment. Employment shall be considered continuous unless interrupted by a separation from service exceeding three calendar days, but credit will not be allowed for any period of separation or nonpay status which exceeds three calendar days.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

United States Civil Service Commission.

[SEAL]

MARY V. WENZEL, Executive Assistant.

[F.R. Doc. 60-948; Filed, Jan. 29, 1960; 8:54 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization
Service (Farm Marketing Quotas
and Acreage Allotments), Department of Agriculture

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TO-BACCO

National Marketing Quotas for Certain Types of Tobacco for 1960–61 Marketing Year

Announcement and apportionment of the national marketing quotas for firecured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark aircured tobacco, and Virginia sun-cured

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725. 1105 Basis and purpose.

725. 1106 Findings and determinations with
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725.1108 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1960.

725. 1109 Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1960.

AUTHORITY: §§ 725.1105 to 725.1109 issued under sec. 375, 52 Stat. 66, 7 U.S.C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 7 U.S.C. 1301, 1312, 1313.

§ 725.1105 Basis and purpose.

(a) Sections 725.1105 to 725.1109 are issued (1) to establish the reserve supply level and the total supply of fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco, respectively, for the marketing year beginning October 1, 1959; (2) to announce the amounts of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1960; and (3) to apportion such national marketing quotas for the 1960-61 marketing year among the several States. The findings and determinations contained §§ 725.1106 to 725.1109 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others, as provided in a notice (24 F.R. 8237) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since fire-cured, dark air-cured, and Virginia sun-cured tobacco growers are making plans for their 1960 farming operations, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcements and apportionments of the national marketing quotas for firecured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark aircured (type 21) tobacco, fire-cured tobacco contained herein shall become effective upon the date of filing with the Director, Division of the FEDERAL REGISTER.

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§ 725.1106 Findings and determinations with respect to the amount of the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1960.

(a) Reserve supply level. The reserve supply level for fire-cured (type 21) tobacco is 28,586,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 6,300,000 pounds and a normal year's exports of 6,000,000 pounds.

(b) Total supply. The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1959 is 33,317,000 pounds consisting of carry-over of 22,537,000 pounds and estimated 1959 production of 10,780,000 pounds.

.(c) Carry-over. The estimated carry-over of fire-cured (type 21) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1960 is 19,816,000 pounds calculated by sub-tracting the estimated disappearance for the marketing year beginning October 1, 1959 of 13,501,000 pounds from the total

supply of such tobacco.

(d) National marketing quota. The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1. 1960, a supply of fire-cured (type 21) tobacco equal to the reserve supply level of such tobacco is 8,770,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 8,770,000 pounds would result in undue restriction of marketings during the 1960-61 marketing year and such amount is hereby increased by 20 percent to 10,524,000 pounds. Pursuant to Public Law 85-705 this increased quota is further increased to 11,771,000 pounds. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1960, is 11,771,000 pounds.

(e) Apportionment of the quota. Since fire-cured (type 21) tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313(a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota less 29,427 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 9,109.06 acres. Likewise, the reserve of 29,427 pounds for establishing allotments for new farms is hereby converted into 22.83 acres.

§ 725.1107 Findings and determinations with respect to the national marketing quota for fire-cured (types 22, 23 and 24) tobacco for the marketing year beginning October 1, 1960.

(a) Reserve supply level. The reserve supply level for fire-cured (types

¹ Rounded to the nearest thousand pounds, except in § 725.1106(e).

² Rounded to the nearest tenth of a million pounds, except for the increase pursuant to sec. 312(b) of the Act and the national quota. 22, 23, and 24) tobacco is 130,600,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 29,000,000 pounds and a normal year's exports of 27,000,000 pounds.

(b) Total supply. The total supply of fire-cured (types 22, 23 and 24) tobacco for the marketing year beginning October 1, 1959, is 140,900,000 pounds consisting of carry-over of 99,200,000 pounds and estimated 1959 production of 41,700,000 pounds.

(c) Carry-over. The estimated carry-over of fire-cured (types 22, 23 and 24) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1960, is 90,900,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1959 of 50,000,000 pounds from the total supply of such tobacco

(d) National marketing quota. The amount of fire-cured (types 22, 23 and 24) tobacco which will make available during the marketing year beginning October 1, 1960, a supply of fire-cured (types 22, 23 and 24) tobacco equal to the reserve supply level of such tobacco is 39,700,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 39,700,000 pounds would result in undue restriction of marketings during the 1960-61 marketing year and such amount is hereby increased by 19.75 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22, 23 and 24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1960 is 47,540,000 pounds.

(e) Apportionment of the quota. The national marketing quota announced in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

,	Acreage
State:	allotment
Illinois	0. 24
Kentucky	15, 387, 16
Tennessee	17, 315, 11
Reserve 1	82.07

¹Acreage reserved for establishing allotments for new farms.

- § 725.1108 Findings and determinations with respect to the amount of the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1960.
- (a) Reserve supply level.* The reserve supply level for dark air-cured to-bacco is 77,000,000 pounds calculated as provided in the Agricultural Adjust-

ment Act of 1938, as amended, from a normal year's domestic consumption of 21,500,000 pounds and a normal year's exports of 8,600,000 pounds.

(b) Total supply. The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1959 is 83,200,000 pounds consisting of carry-over of 63,600,000 pounds and estimated 1959 production of 19,600,000 pounds.

(c) Carry-over. The estimated carry-over of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1960 is 58,200,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1959, of 25,000,000 pounds from the total

supply of such tobacco.

(d) National marketing quota. The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1960, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 18,800,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 18,800,000 pounds would result in undue restriction of marketings during the 1960-61 marketing year and such amount is hereby increased by 19.41 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1960 is 22,450,000 pounds.

(e) Apportionment of the quota. The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

	Acreage
State:	allot ment
Kentucky	13, 468, 15
Tennessee	2, 267, 77
Indiana	46.24
Reserve 1	39. 46

¹ Acreage reserved for establishing allotments for new farms.

- § 725.1109 Findings and determinations with respect to the national marketing quota for Virginia sun-cured to-bacco for the marketing year beginning October 1, 1960.
- (a) Reserve supply level.¹ The reserve supply level for Virginia sun-cured to-bacco is 8,692,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 2,650,000 pounds and a normal year's exports of 600,000 pounds.
- (b) Total supply. The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1959 is 7,361,000 pounds consisting of a carry-over of 4,946,000 pounds and estimated 1959 production of 2,415,000 pounds.

(c) Carry-over. The estimated carryover of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1960 is 4,249,000 pounds calculated by subtracting the estimated disapearance for the marketing year beginning October 1, 1959 of 3,112,000 pounds from the total supply of such tobacco.

(d) Proclamation and national marketing quota. The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1960 a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 4,443,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 4,443,000 pounds would result in undue restriction of marketings for the 1960-61 marketing year and such amount is increased by 20 percent to 5,332,000 pounds. Pursuant to Public Law 85-705, however, such increased quota is decreased to 4,335,000 pounds. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1960, is 4,335,000 pounds.

(e) Apportionment of the quota. Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is aportioned only to that State under section 313(a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota, less 10,837 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 4,194.14 acres. Likewise, the reserve of 10,837 pounds for establishing allotments for new farms is hereby converted into 10.51 acres.

Issued at Washington, D.C., this 26th day of January, 1960.

TRUE D. Morse, Acting Secretary.

[F.R. Doc. 60-926; Filed, Jan. 29, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 13]

PART 913 — MILK IN GREATER KANSAS CITY MARKETING AREA

Order Amending Order

§ 913.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determina-

² Rounded to the nearest tenth of a million pounds, except for the increase pursuant to sec. 312(b) of the Act and the national quota.

 $^{^{1}}$ Rounded to nearest thousand pounds, except in § 725.1109(e).

and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the de-

clared policy of the Act;

- (2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and
- (3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is necessary in the public interest to make this order amending the order effective not later than February 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Acting Deputy Administrator of the Agricultural Marketing Service was issued January 5, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order issued January 20, 1960.

The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FED-ERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

- (c) Determinations. It is hereby determined that:
- (1) The refusal or failure of handlers (excluding cooperative associations spec-# ified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act:
 - (2) The issuance of this order, amending the order, is the only practical

tions may be in conflict with the findings means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 913.10 [Amendment]

- 1. In § 913.10 redesignate paragraph "(d)" as "(e)" and insert a new paragraph (d) to read as follows:
- (d) Which qualified as a pool plant under paragraph (c) of this section for August and September and qualified under paragraph (b) of this section for October, November and December 1959. Such an approved plant shall be a pool plant for each of the following months of January through July 1960.

§ 913.51 [Amendment]

2a. In § 913.51(a) (2) (iii), revise the tabulation to read as follows:

Delivery period	h price in computation	Percentages	
for which price applies		Mini- mum	Maxi- mum
January February March April May June July August September October November December	October-November_ November-December_ December-January_ January-February_ February-March_ March-April-May May-June June-July_ July-August-September_ September-October	132 133 131 126 124 128 138 143 134 128 128 124 124	140 141 139 134 132 136 146 151 142 136 132

- b. Revise § 913.51(a)(3) to read as
- (3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:
- (i) One cent times each such percentage point of net deviation; plus
- (ii) One cent times the lesser of:
- (a) Each such percentage point of net deviation, or
- (b) Each percentage point of net deviation of like direction (plus or minus. with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus
- (iii) One cent times the least of:
- (a) Each such percentage point of net deviation:
- (b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or
- (c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 27th day of January 1960, to be effective on and after the 1st day of February 1960.

> CLARENCE L. MILLER, Assistant Secretary.

[F.R. Doc. 60-966; Filed, Jan. 29, 1960; 8:56 a.m.]

[Navel Orange Reg. 182]

PART 914 - NAVEL ORANGES **GROWN IN ARIZONA AND DES-**IGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.482 Navel Orange Regulation 182.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure. and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted. under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this

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section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 28, 1960.

(b) Order. (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 31, 1960, and ending at 12:01 a.m., P.s.t., February 7, 1960, are hereby fixed as follows:

- (i) District 1: 650,000 cartons;
- (ii) District 2: 400,000 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.
- (2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.
- (3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 29, 1960.

PAUL A. NICHOLSON, Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-1064; Filed, Jan. 29, 1960; 11:37 a.m.]

[Milk Order 42]

PART 942—MILK IN NEW ORLEANS, LA., MARKETING AREA

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AUTHORITY: §§ 942.0 to 942.111 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 607-674.

§ 942.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his prorata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all skim milk and butterfat received by such handler, during such delivery period from producers, including that received from such handler's own farm production.

(b) Additional findings. (1) It is necessary in the public interest to make this order amending the order effective not later than February 1, 1960.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued November 16, 1959 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued January 4, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. view of the foregoing, it is hereby found and determined that good cause exists for making this order, amending the

order effective February 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

(c) Determinations. It is hereby de-

termined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as

hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 942.1 Act.

Act means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 942.2 Secretary.

Secretary means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 942.3 Department of Agriculture.

Department of Agriculture means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 942.4 Cooperative association.

Cooperative association means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1932, as amended, known as the "Capper-Volstead Act"; and
(b) To have and to be exercising full

authority in the sale of milk of its members.

§ 942.5 Person.

Person means any individual, partnership, corporation, association or other. business unit.

§ 942.6 New Orleans marketing area.

· New Orleans marketing area, hereinafter referred to as the marketing area means all territory; including incorporated municipalities within Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne Parishes all in the State of Louisiana.

§ 942.7 Route.

Route means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product. other than a delivery in bulk form to any milk processing plant.

§ 942.8 Distributing plant.

Distributing plant means any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 942.9 Supply plant.

Supply plant means any plant at which milk eligible for distribution in the marketing area under a Grade A label, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 942.10 Pool plant.

Pool plant means:

(a) A distributing plant, other than that of a producer-handler or one described in § 942.61 or § 942.63(a), from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers and supply plants;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of milk from dairy farmers which is eligible for distribution in the marketing area under a Grade A label is moved to and received at a pool plant(s) described in paragraph (a) of this section; and

(c) Any supply plant that was a pool plant during each of the months of September through November immediately preceding shall continue to be a pool plant the following month of December unless written notice to the contrary is filed by the handler with the market administrator on or before the first day of such month; and any supply plant that was a pool plant pursuant to paragraph (b) of this section, during each of the months of September through November and also during either the month of December or the month of January immediately preceding shall continue to be a pool plant the following months of January or February through August, as the case may be, unless the operator notifies the market administrator in writing before the first day of any such month of its intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant except in any month it qualifies as a supply plant pursuant to paragraph (b) of this section.

§ 942.11 Nonpool plant.

Nonpool plant means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 942.12 Handler.

Handler means:

(a) Any person in his capacity as the operator of a pool plant(s); or

(b) The operator of any nonpool distributing plant with route distribution in the area; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 942.14.

§ 942.13 Producer-handler.

Producer-handler means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from a pool plant(s).

§ 942.14 Producer.

Producer means any person, other than a producer-handler, who produces milk eligible for distribution in the marketing area under a Grade A label which milk is received during the month at a pool plant or is diverted by a handler to a pool plant or a nonpool plant for the account of such handler, subject to the following conditions:

(1) During January through August a handler may divert the daily production of a producer for any number of days.

(2) During other months a handler may divert the daily production of a producer for not more than 10 days.

(3) Milk delivered for the account of a handler to a nonpool plant for more than ten days during September through December, shall not be considered as producer milk during the whole period of its delivery to a nonpool plant.

(4) The milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 942.15 Producer milk.

Producer milk means milk received at a pool plant directly from producers, or diverted pursuant to § 942.14.

§ 942.16 Other source milk.

Other source milk means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 942.34.

§ 942.17 Fluid milk product.

Fluid milk product means all skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream) cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, other frozen desserts, and sterilized products contained in hermetically sealed containers).

§ 942.18 Chicago butter price.

Chicago butter price means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 942.19 Base and excess milk.

(a) Base milk means milk received at pool plants from a producer during any of the months of the base-operating period of each year which is not in excess of such producer's daily average base computed pursuant to § 942.92 multiplied by the number of days in such month.

(b) Excess milk means milk received at pool plant(s) from a producer during any of the months of the base-operating period of each year in excess of such producer's base milk.

MARKET ADMINISTRATOR

§ 942.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 942.21 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To make rules and regulations to effectuate its terms and provisions;
- (c) To receive, investigate, and report to the Secretary complaints of violations; and
- (d) To recommend amendments to the Secretary.

§ 942.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety

thereon covering each employee who handles funds entrusted to the market administrator:

- (d) Pay out of the funds received pursuant to § 942.86:
- (1) The cost of his bond and of the bonds of his employees,
 - (2) His own compensation, and
- (3) All other expenses (except those incurred under § 942.85) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other persons as the Secretary may designate;
- (f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 942.30 and 942.31, or payments pursuant to §§ 942.80, 942.82, 942.84, 942.85 and 942.86.
- (g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;
- (h) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this part which do not reveal confidential information:
- (i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;
- (j) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.
- (k) On or before the date specified, publicly announce and mail to each handler at his last known address a notice of the following:
- (1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month, and the Class II milk price and the Class II butterfat differential, both for the preceding month;
- (2) The 11th day of each month, the applicable uniform price computed pursuant to §§ 942.72 through 942.74 and the butterfat differential computed pursuant to § 942.75 both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 942.30 Reports of receipts and utilization.

On or before the 5th day of each month each handler who operates a pool plant(s), each handler (other than a producer-handler or the operator of a plant exempt pursuant to §§ 942.61 or

942.63) who operates a nonpool distributing plant and any cooperative association with respect to milk for which it is a handler pursuant to § 942.12(c) shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

- (1) Producer milk, and for each month of the base-operating period, the total quantities of base and excess milk received; in lieu thereof, the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers qualified to become producers if such a plant were a pool plant;
- (2) Fluid milk products received from other pool plants;

(3) Other source milk; and

- (4) Inventories of fluid milk products on hand at the beginning and end of the month; and
- (b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:
- (1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 942.62 and 942.63, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and
- (2) Class I milk outside the marketing area:
- (c) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 942.31 Other reports.

- (a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to \$942.12(c) shall report its producer payroll for the preceding month which shall show for each producer:
 - (1) His name and address;
- (2) The total pounds of milk received from such producers and for the base-operating period the total pounds of base and excess milk:
- (3) The number of days on which milk was received from such producer if less than a full calendar month;
- (4) The average butterfat content of such milk; and
- (5) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;
- (b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 942.80(b) shall report to such cooperative association with respect to each such producer, as follows:
- (1) On or before the 25th day of each month, the total pounds of milk received during the first 15 days of the month.
- (2) On or before the 7th day after the end of each month:
- (i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the

base-operating period, and the average butterfat test thereof; and

(ii) The amount, rate and nature of

any deductions.

- (c) Each handler (other than a producer-handler or one described in §§ 942.61 or 942.63) operating a nonpool distributing plant shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk received;(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 942.32 Producer-handler reports.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 942.33 Exempt handler reports.

Each handler exempt pursuant to § 942.61 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 942.34 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any

form:

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 942.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: Provided, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notifications from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records

are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 942.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported for pool plants pursuant to § 942.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 942.41 through 942.47.

§ 942.41 Classes of utilization.

Subject to the conditions set forth in §§ 942.42 through 942.47, the classes of utilization shall be as follows:

(a) Class 1 milk. Class I milk shall be all skim milk and butterfat; (1) disposed of in the form of fluid milk products, except those classified pursuant to paragraphs (b) (3) and (4) of this section, and (2) not specifically ac-

counted for as Class II milk.
(b) Class II milk. Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product:

(2) Contained in inventories of fluid milk products on hand at the end of the month:

(3) Disposed of as dumped skim milk, provided the market administrator is notified in advance and given opportunity to verify such dumping;

(4) Disposed of as skim milk and used for livestock feed; and

(5) In shrinkage not to exceed an amount calculated as follows:

(i) 0.5 percent of milk received from producers and disposed of as whole milk. skim milk or cream in bulk lots;

(ii) 1.5 percent of the skim milk or butterfat received as bulk tank lots of milk and disposed of in a form other than bulk tank lots of milk: Provided, That any disposition of milk in bulk tank lots. shall be assigned to receipts of milk in such form; and

(iii) 2.0 percent of milk received from producers and disposed of in a form other than bulk tank lots of whole milk, skim milk or cream.

§ 942.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this part shall beclassified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 942.43 Transfers.

Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) A plant operated by a producerhandler shall be Class I milk;

(c) A nonpool plant (except pursuant to paragraph (d) of this section) located more than 350 miles by the shortest highway distance from City Hall in New Orleans, Louisiana, as determined by the market administrator, shall be Class I milk unless claimed and transferred in the form of cream in bulk to such a nonpool plant which does not dispose of milk or cream for consumption in fluid form;

(d) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified pursuant to the utilization assigned pursuant to the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by order(s) other than that under which it is regulated the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(e) A nonpool plant, except as specified in paragraphs (b), (c) and (d) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month:

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 942.41(b)(1)) at such nonpool plant during the month:

(ii) Subtract the overage or add the actual shrinkage of skim milk and butterfat, respectively, in the total fluid receipts physically received at such nonpool plant but not to exceed 2 percent of such total receipts during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant but excluding any such transfers that may be classified under such other order pursuant to provisions similar to subparagraph (4) of this paragraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 942.41(b) (1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream for consumption in fluid form: Provided, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (vi) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk.

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: Provided. That if the classification limitations provided in (a) of this section results in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

§ 942.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler pursuant to § 942.30 and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II at all pool plants of such handler.

§ 942.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II utilization the pounds of skim milk shrinkage pursuant to § 942.41(b);

(b) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds

of skim milk in other source milk except as specified in paragraphs (c) and (d) of this section;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from pool plants regulated pursuant to other orders issued pursuant to the act;

(d) Subtract from the pounds of skim milk remaining in Class I the pounds of skim milk in other source milk received in consumer packages from a nonpool distributing plant described in § 942.62:

(e) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other pool plants in such class pursuant to § 942.41 and § 942.43(a);

(f) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(g) Add to the remaining pounds of skim milk in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producer, subtract such excess from the remaining pounds of skim milk in each class in series, beginning with Class II.

§ 942.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in a manner similar to that prescribed for skim milk in § 942.46.

§ 942.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 942.46 and 942.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined.

MINIMUM PRICES

§ 942.50 Basic formula price.

The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) Divide the average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by 3.5 and multiply by 4.0:

Present Operator and Location

Borden Company, Mount Pleasant, Mich. Borden Company, New London, Wis. Borden Company, Orfordville, Wis. Carnation Company, Oconomowoc, Wis. Carnation Company, Richland Center, Wis. Carnation Company, Sparta, Mich. Pet Milk Company, Belleville, Wis. Pet Milk Company, Coopersville, Mich. Pet Milk Company, New Glarus, Wis. Pet Milk Company, Wayland, Mich. White House Milk Company, Manitowoc, Vis.

White House Milk Company, West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price

by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5;

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Pet Milk Company, Kosciusko, Mississippi. Borden Food Company, Starkville, Mississippi.

McClendon Cheese Company, Newton, Mississippi.

Wilson and Company, Macon, Mississippi.

§ 942.51 Class prices.

Subject to the provisions of §§ 942.52 and 942.53, the class prices per hundred-weight of milk containing 4.0 percent butterfat shall be determined for each month as follows:

(a) Class I milk price. The Class I milk price shall be the basic formula price for the preceding month, plus \$2.48 during the months of March through June and \$2.68 in all other months, plus or minus a supply-demand adjustment calculated for each month as follows:

(1) Divide the total receipts of producer milk in the two immediately preceding months by the total gross volume at pool plants of Class I milk (less interhandler transfers) for such months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current supplydemand relationship."

(2) Compute a net deviation percentage by subtracting from the "current supply-demand relationship" computed pursuant to subparagraph (1) of this paragraph, the "representative supply-demand index" shown below:

Delivery period for which the Class I price is computed	Delivery periods used to compute relationship	Representative supplydemand index
January	October-November November-December-December-December-January-February-February-March-April-May-Une-July-August-September-October	118 123 128 133 136 138 137 134 131 127 121

(3) Determine the amount of the supply-demand adjustment from the following schedule:

IUIIUWIIIE SCIICUUIC.	
	A djustment
Net deviation (percentage	amount
points):	(cents)
-24 or more	+49
-21 or -22	
-18 or -19	
-15 or -16	
-12 or -13	
-9 or -10	
-6 or -7	
-3 or -4	
-1, 0, or +1	,
+3 or +4	
+6 or +7	
+9 or +10	
+12 or +13	
+15 or +16	
+18 or +19	
+21 or +22	
+24 or more	

In case the net deviation percentage does not fall within the tabulated brackets, the adjustment amount shall be determined by the adjacent net deviation bracket which is the same or nearest to the bracket used in the previous month.

(b) Class II milk price. The Class II milk price shall be the price determined pursuant to § 942.50(c) plus 28.5 cents during the months February through August and plus 38.5 cents during all other months: Provided, That in no case shall such price exceed the basic formula price by more than 13.5 cents.

§ 942.52 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 942.51 shall be increased or decreased respectively, for each one-tenth percent butterfat at the appropriate rate determind as follows:

- (a) Class I price. Multiply the Chicago butter price for the previous month by 0.12;
- (b) Class II price. Multiply the Chicago butter price for the month by 0.11.

§ 942.53 Location differentials to handlers.

(a) For that milk which is received from producers at a pool plant more than 50 miles by the shortest toll-free highway distance, as determined by the market administrator, from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma, Louisiana, and utilized as Class I the price specified in § 942.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Rate per
hundredweight
(cents)

(b) For (1) milk received from producers at a pool plant more than 50 miles, by the shortest toll-free highway distance, as determined by the market administrator, from the nearer of the

city hall in New Orleans or the Terrebonne Parish Courthouse, Houma, Louisiana, and classified as Class II and (2) for milk received from producers at a pool plant 50 miles or less from the basing points in New Orleans or Houma and classified as Class II pursuant to § 942.41(b) (3), (4), and (5) shall be reduced by 13.5 cents.

(c) The market administrator shall determine and publicly announce the zone location of each plant of each handler according to the shortest toll-free highway distance between such plant and the city hall in New Orleans or the Terrebonne Parish Courthouse in Houma. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

(d) For the purpose of this section, the skim milk and butterfat classified as Class I during each month shall be considered to have been first received from producers at such handler's plant located in the 0-50 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the zone nearest to New Orleans or Houma.

§ 942.54 Rate of compensatory payments.

The rate of a compensatory payment per hundredweight shall be calculated as follows, except that the rate shall be zero in any month in which total market deliveries by producers are less than 110 percent of market Class I utilization (excluding duplications) in all plants qualified as pool plants:

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and adjusted by the location differential rate set forth in § 942.53 for the location of the plant at which the milk was received from dairy farmers.

§ 942.55 Use of equivalent prices.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price determined by the secretary to be equivalent to or comparable with the price which is specified.

APPLICATION OF PROVISIONS

§ 942.60 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 942.32, 942.34, and 942.35.

§ 942.61 Exempt handler.

A handler who operates a nonpool distributing plant located outside the marketing area from which an average of less than 200 pounds of Class I milk per day is disposed of during the month in the marketing area on route(s) shall be exempt from all provisions of this part except §§ 942.33 through 942.35.

§ 942.62 Obligations of handler operating a nonpool distributing plant.

In lieu of payments required pursuant to \$\$ 942.80 through 942.85, each handler,

other than a producer-handler or one exempt pursuant to \$\$ 942.61 or 942.63, who operates during the month a non-pool distributing plant, shall pay to the market administrator for deposit in the producer settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 942.30, the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 942.86 with respect to Class I milk disposed of on routes in the marketing area; or

(b) Except as the handler may elect the option pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 942.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 942.31 (c), plus the value of any supplies or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 942.86 had such plant been a pool plant.

§ 942.63 Plants subject to other Federal orders.

The handler operating a plant specified in paragraphs (a) or (b) of this section shall be exempt from all provisions of this part except §§ 942.30(b) (1), 942.34 and 942.35.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of during the month on routes in the New Orleans marketing area than in the marketing area defined in such other order;

(b) Any supply plant which would be subject to the classification and pricing provision of another order issued pur-

suant to the Act unless such plant qualified as a pool plant pursuant to § 942.10(c).

DETERMINATION OF PRICES TO PRODUCERS § 942.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at pool plants shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 942.48, by the applicable respective class prices (adjusted pursuant to §§ 942.52 and 942.53);

(b) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I milk pursuant to § 942.46(b) and the corresponding step of § 942.47 and pursuant to § 942.46(f) and the corresponding step of § 942.47 excluding the skim milk and butterfat determined pursuant to paragraph (d) of this section by the rate of compensatory payment as determined pursuant to § 942.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products:

(c) Add the amounts computed by multiplying the skim milk and butterfat in overage deducted from each class pursuant to § 942.46(h) and the corresponding step of § 942.47 by the applicable

class price;

(d) Add the amount obtained by multiplying by the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month the lesser of:

- (1) The skim milk and butterfat subtracted from Class I pursuant to § 942.46 (f) and the corresponding step of § 942.47; or
- (2) The skim milk and butterfat in producer milk classified as Class II milk (except as shrinkage) for the preceding month.

§ 942.71 Computation of the 4.0 percent value of all producer milk.

For each month, the market administrator shall compute the 4.0 percent value of all producer milk, as follows:

- (a) Combine into one total the individual values of milk of all handlers computed pursuant to § 942.70 except those of handlers who failed to make payments required pursuant to § 942.80 through § 942.82 for the preceding month;
- (b) Add, if the weighted average butterfat test of all producers milk represented in paragraph (a) of this section is less than 4.0 percent, or subtract if the weighted average butterfat test of such milk is more than 4.0 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 4.0 percent by the butterfat differential provided in § 942.75 multiplied by 10:
- (c) Add the aggregate of the values of allowable location adjustments to producers pursuant to § 942.76; and
- (d) Add not less than one-half of the unobligated balance in the producersettlement fund.

§ 942.72 Uniform price.

For each of the months of the baseforming period and the month of August the uniform price per hundredweight for milk containing 4.0 percent butterfat received from producers at pool plants shall be computed as follows:

(a) Divide the amount computed pursuant to § 942.71 by the hundredweight of milk received from all producers;

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 942.73 Uniform excess milk price.

For each of the months of the baseoperating period the price for excess milk containing 4.0 percent butterfat shall be computed as follows:

(a) Multiply the hundredweight of excess milk not in excess of the total quantity of Class II milk represented by the values included in § 942.71(a) by the price for 4.0 percent Class II milk pursuant to § 942.51(b);

(b) Multiply the hundredweight of any excess milk not included in the computation described in paragraph (a) of this section by the price for 4.0 percent Class I utilization pursuant to § 942.51 (a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

§ 942.74 Uniform base milk price.

For each of the months of the baseoperating period, the price for base milk containing 4.0 percent butterfat received from producers at pool plants shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month:

(b) Subtract the total value arrived at in paragraph (a) of this section from the total 4.0 percent value of all producer milk arrived at in § 942.71;

(c) Divide the resultant value by the total hundredweight of base milk; and

(d) Subtract not less than 4 cents nor more than 5 cents.

§ 942.75 Producer butterfat differential.

In making payments pursuant to § 942.80, the uniform price, base price and excess price shall be increased or. decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 4.0 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 942.52 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest tenth cent.

§ 942.76 Location differentials to pro-

In making payments for milk pursuant to paragraphs (a), (c), and (d) of § 942.80 a handler may deduct: (a) From the uniform price pursuant to § 942.72 or the uniform price for base milk pursuant to § 942.74 the rates specified in § 942.53(a) applicable to the location of the pool plant at which such milk was received; and (b) from the uniform excess milk price the rate specified in

§ 942.53(b) applicable to the location of the pool plant at which such milk was received.

§ 942.77 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 942.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals

thereof;

(b) The amounts and value of his base and excess milk, respectively;

(c) The uniform price(s) computed pursuant to §§ 942.72 to 942.74 and the butterfat differential computed pursuant to § 942.75;

(d) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(e) The totals of the minimum amounts to be paid by such handler pursuant to §§ 942.85 and 942.86.

PAYMENTS

§ 942.80 Time and method of payments to producers.

- (a) Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:
- (1) On or before the last day of each month to each producer, who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II milk price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph:
- (2) On or before the 15th day of the following month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price(s) computed pursuant to § 942.72 or to §§ 942.73 and 942.74, as the case may be, subject to the following adjustments:
- (i) The butterfat differential pursuant to § 942.75;
- (ii) The location differential pursuant to § 942.76;
- (iii) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(iv) Less marketing services deductions made pursuant to § 942.85;

(v) Plus or minus adjustments for errors made in previous payments to such producer:

(vi) Less deductions authorized in writing by such producer; and

(vii) If by such date such handler has not received full payment from the market administrator pursuant to § 942.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date

for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

- (b) Each handler shall furnish to the producer the following information:
- (1) On or before the 25th day of the month, the pounds of milk received from the producer during the first 15 days of such month:
- (2) On or before the 15th day of the following month (i) the pounds of milk received from the producer each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base and excess milk received, (iii) the amount (or rate) and nature of deductions made from payments, and (iv) the amount and nature of payments due pursuant to § 942.84.
- (c) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler:
- (1) Shall pay to the cooperative association, in lieu of payments pursuant to paragraph (a) of this section, on or before the 2d day prior to the date on which payments are due individual producers, an amount equal to not less than the amount due such certified members as determined pursuant to paragraph (a) of this section;
- (2) Report to the cooperative association on or before the 25th day of the month, the pounds of milk received from each member of the cooperative association during the first 15 days of such month and on or before the 7th day of the following month to the cooperative association for its individual members the following information: (i) The pounds of milk received each day and the total for the month, together with the butterfat content of such milk. (ii) the pounds of base and excess milk received, (iii) the amount (or rate) and nature of deductions made from payments and (iv) the amount and nature of payments due pursuant to § 942.84.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

- (3) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.
- (d) Each handler shall make payment to a cooperative association for milk re-

ceived from the pool plant(s) of such cooperative association:

- (1) On or before the 22d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such pool plant(s) during the first 15 days of the current month, and
- (2) On or before the 12th day after the end of each month in which it was received at not less than the applicable class prices less amounts deducted pursuant to subparagraph (1) of this paragraph.

§ 942.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 942.62, 942.82, and 942.84, and out of which he shall make all payments pursuant to §§ 942.83 and 942.84: Provided, That, any payments due to any handler shall be offset by any payments due from such handler.

§ 942.82 Payments to the producersettlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 942.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 942.83 Payment out of the producersettlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 942.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 942.84. Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 942.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk

(other than milk of his own production) pursuant to § 942.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 942.86 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may, from time to time, prescribe, to be announced by the market administrator on or before the 11th day after the end of such month, with respect to all skim milk and butterfat received by such handler, during such delivery period from producers, including that received from such handler's own farm production.

§ 942.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

- (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and pay-Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:
 - (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association

of producers, the name of such producer(s) or association of producers; or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (Including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 942.90 Base-operating period.

The base operating period for 1960 shall be the months March through July and the months of February through July thereafter.

§ 942.91 Base-forming period.

The base-forming period for bases operative in 1960 shall be October 1959 through February 1960 and for bases operative in subsequent years shall be the months of September through January immediately preceding the base-operating period.

§ 942.92 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers of pool plants from such producer during the base-forming period by the number of days in such period.

§ 942.93 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 942.92 to each per-

son for whose account producer milk was delivered to pool plants during the months of the base-forming period: Provided, That in the case of a pool plant which did not qualify as a pool plant during each month of the base-forming period, but which is a pool plant during any of the months of the base-operating period, bases shall be assigned to each person for whose account milk was delivered to such plant at the time such plant becomes a pool plant in the same manner as if such plant were a pool plant during the base-forming period.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be signed by the base-holder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 942.94 Announcement of established bases.

On or before March 1, of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily base established by such producer, except that for March 1960 the announcement of such bases shall be on or before March 31, 1960.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 942.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 942.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 942.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 942.103 Liquidation.

Upon the suspension or termination of any or all of the provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to

effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If. upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 942.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 942.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 27th day of January 1960, to be effective on and after the 1st day of February 1960.

CLARENCE L. MILLER, Assistant Secretary.

[F.R. Doc. 60-925; Filed, Jan. 29, 1960; 8:51 a.m.]

[Lemon Reg. 831]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.938 Lemon Regulation 831.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.: 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy

of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation: interested persons were afforded an opportunity to submit information and views at this meeting: the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section. including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 27, 1960.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 31, 1960, and ending at 12:01 a.m., P.s.t., February 7, 1960, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 172,050 cartons;

(iii) District 3: Unlimited movement.
(2) As used in this section, "handled,"
"District 1," "District 2," "District 3,"
and "carton" have the same meaning
as when used in the said amended mar-

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 28, 1960.

keting agreement and order.

PAUL A. NICHOLSON, Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-1037; Filed, Jan. 29, 1960; 8:56 a.m.]

[Milk Order 124]

PART 1024—MILK IN OHIO VALLEY MARKETING AREA

Order Regulating Handling

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AUTHORITY: §§ 1024.0 to 1024.95 issued under sec. 5, 49 Stat. 753, as amended, 7 U.S.C. 608c.

§ 1024.0 Findings and determinations.

(a) Findings upon the basis of the hearing record. Pursuant to the pro-

visions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Ohio Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest:

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk and its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight, or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to producer milk and other source milk allocated to Class I at a pool plant and with respect to milk at a fluid milk plant which is a nonpool plant in accordance with § 1024.75 (a) or (b).

(b) Additional findings. It is necessary in the public interest to make specified provisions of this order effective February 1, 1960, other specified provisions effective March 1, 1960, and the remaining provisions effective August 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued August 7, 1959, and the decision of the Acting Secretary containing all the provisions of this order was issued October 22, 1959. Since this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. In view of the foregoing, it is hereby found and determined that good cause exists for making specified provisions of this order effective February 1, 1960, other specified provisions effective March 1, 1960, and the remaining provisions effective August 1, 1960, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the Federal Register. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act:

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the

order; and

(3) The issuance of this order is anproved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered. That on and after the effective date hereof, the handling of milk in the Ohio Valley marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1024.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1024.2 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1024.3 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1024.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1024.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified pursuant to the provisions of the Act of Congress of

February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1024.6 Ohio Valley marketing area.

"Ohio Valley marketing area" hereinafter referred to as the "marketing area" means all territory geographically located within the perimeter boundaries of the counties of Perry, Spencer, Warrick, Vanderburgh, Posey, Gibson, Pike, Dubois, and Crawford, all within the State of Indiana and the counties of Henderson, Daviess, Hancock, Breckinridge. Grayson, Ohio, McLean, Webster, Union, Hopkins and Muhlenburg, all within the State of Kentucky, including all municipal corporations and institutions owned or operated by the Federal, State or local governments lying wholly or partially within such areas.

§ 1024.7 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, milk concentrates, milk drinks (plain or flavored), cream (including sterilized cream), or any mixture of milk, skim milk or cream (except storage cream, aerated cream products, ice cream, ice milk and milk shake mixes, eggnog, evaporated or condensed milk and sterilized products packaged in hermetically sealed metal containers).

§ 1024.8 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a:

(a) Milk plant(s):

(b) Distribution point(s); or

(c) Food processing plant(s) for use other than for fluid consumption.

§ 1024.9 Fluid milk plant.

"Fluid milk plant" means the land, buildings, surroundings, facilities and equipment which are used in the receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk, and:

(a) All or a portion of such milk is (1) disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s), or (2) moved in the form of a fluid milk product(s) to a plant which disposes of milk as described in subparagraph (1) of this paragraph. .

§ 1024.10 Pool plant.

"Pool plant" means a fluid milk plant meeting the conditions of paragraph (a) or (b) of this section, except a plant operated by a producer-handler:

(a) Any such plant from which the fluid milk products disposed of on a route(s) (either directly from the plant, through vendors or distributing points) are equal to not less than 50 percent of the Grade A milk (described in § 1024.12 (a)) received at such plant from dairy farmers and from other plants during the

month, and 25 percent or more of such receipts is disposed of as fluid milk products in the marketing area on a route(s),

(b) Any such plant which receives Grade A milk (described in § 1024.12(a)) from dairy farmers and from which fluid milk products equal to not less than 50 percent of such receipts during the month are moved to a plant(s) described in paragraph (a) of this section: Provided. That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the period of September through December, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before January 9 of any year, be designated as a pool plant during the months of January through August of such year.

§ 1024.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, processing or bottling plant other than a pool plant.

1024.12 Producer.

"Producer" means any person, except a producer-handler or a person with respect to milk produced by him which is fully subject to the pricing and payment provisions of another order issued pursuant to the act, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area;

(b) Received during the month at a pool plant (including milk diverted from a pool plant to a nonpool plant pursuant to the conditions set forth in § 1024.13).

§ 1024.13 Producer milk.

"Producer milk" means skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from producers;

(b) Diverted for the account of the operator of a pool plant to another pool

plant or a nonpool plant; or

(c) Diverted for the account of a cooperative association to a nonpool plant: Provided, That this definition shall not include the milk of any person during any month in which such milk is diverted for the account of (1) the operator of a pool plant for more than onehalf of the days of delivery during the month; or (2) a cooperative association for more than one-half of the days of delivery during the months of August through March: And provided further, That producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant at which the milk was last received immediately prior to diversion.

§ 1024.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of a fluid milk product, except (1) fluid milk products received from pool plants, (2) producer milk, and (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant or for which other utilization or disposition is not established pursuant to § 1024.32.

§ 1024.15 Base milk.

"Base milk" means that producer milk received from a producer during any of the months of April through July which is not in excess of such producer's daily average base computed pursuant to \$1024.60 multiplied by the number of days in the month.

§ 1024.16 Excess milk.

"Excess milk" means that producer milk received from a producer during any of the months of April through July which is in excess of such producer's base milk.

§ 1024.17 Handler.

"Handler" means (a) any person who operates a fluid milk plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1024.13.

. § 1024.18 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk in the marketing area on a route and who receives no fluid milk products from other dairy farmers or nonpool plants: Provided, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1024.19 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 1024.20 Nonfat dry milk price.

"Nonfat dry milk price" means the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

MARKET ADMINISTRATOR

§ 1024.25 Designation.

The agency for the administration of this part shall be a market administra-

tor, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1024.26 Powers.

The market administrator shall have the powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 1024.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator:
- (d) Pay, out of the funds provided by § 1024.86, (1) the cost of his bond and of the bond of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1024.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;
- (f) Publicly disclose, at his discretion, to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1024.30 and 1024.31 or (2) payments pursuant to §§ 1024.75, 1024.80, 1024.82, 1024.84, 1024.86 and 1024.87.
- (g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;
- (h) Prepare and make available for producers, consumers, and handlers such statistics and information as are necessary and essential to the proper functioning of this part and as do not reveal confidential information;
- (i) Verify all reports and payments of each handler by audit or such other investigation, as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the clas-

sification of skim milk and butterfat depends.

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following: (1) The 8th day of each month, the Class I price and butterfat differential for the month, the Class II price and butterfat differential for the preceding month; and (2) the 11th day of each month, the uniform price(s), and the producer butterfat differential for the preceding month: and

(k) On or before the 15th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

REPORTS, RECORDS AND FACILITIES

§ 1024.30 Reports of receipts and utilization.

- (a) On or before the 6th day after the end of each month, or not later than the 8th day after the end of the month if the report required by this paragraph is delivered in person to the office of the market administrator, each cooperative association in its capacity as a handler and each handler with respect to each of his pool plants shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator the following:
- (1) The total pounds of skim milk and butterfat contained in or represented by:
- (i) Producer milk, including for the months of April through July the aggregate amount of base milk;
- (ii) Fluid milk products received from other pool plants;
 - (iii) Other source milk; and
- (iv) Inventories of fluid milk products at the beginning and end of the month.
- (2) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, if required by the market administrator, of the disposition of Class I milk outside the marketing area.
- (b) Each handler operating a fluid milk plant pursuant to § 1024.9(a) (1) which is a nonpool plant shall report on or before the applicable date specified in paragraph (a) of this section his receipts of milk from dairy farmers and all other sources and the utilization of such receipts in accordance with § 1024.40 as prescribed by the market administrator.

§ 1024.31 Other reports.

- (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe:
- (b) Each handler, except a producerhandler, shall report to the market ad-

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ministrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants and for each fluid milk plant subject to § 1024.75(b) his producer payroll which shall show: (i) The total pounds of milk received from each producer or dairy farmer, as the case may be, including for the months of April through July the total pounds of base and excess milk for each producer; (ii) the average butterfat content of such milk: (iii) the days for which milk was received from each producer during September through December if less than a full month; and (iv) the amount of such handler's payment to each dairy farmer, producer or cooperative association, as the case may be, together with the price paid per hundredweight and the amount and nature of any advance payments and deductions authorized by such person; and

(2) Such other information as the market administrator may determine to be necessary to administer this part.

§ 1024.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any

form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1024.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of .three years to begin at the end of the month to which such books and records pertain: Provided, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records. or of specified books and records, if necessary in connection with a proceeding under section 8c 15(A) of the Act or a court action specified in such notice. the handler shall retain such books and records, or specified books and records. until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1024.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to § 1024.30 shall be classified each month pursuant to the provisions of §§ 1024.41 to 1024.45.

§ 1024.41 Classes of utilization.

Subject to the conditions set forth in §§ 1024.42 to 1024.45, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of from the plant in the form of fluid milk products. except those classified pursuant to paragraph (b) (2) of this section, and (2) not specifically accounted for as Class II

milk, and

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product, (2) disposed of for livestock feed and skim milk (only) dumped, upon prior notice as prescribed by the market administrator, (3) in cream stored and frozen, (4) in inventory of fluid milk . products on hand at the end of the month, (5) in shrinkage not to exceed one-half of one percent of the skim milk and butterfat, respectively, in producer milk physically received at the plant, plus one and one-half percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products from pool plants, less such products disposed of by such plant in bulk to another plant, and (6) in shrinkage of othersource milk.

§ 1024.42 Shrinkage.

In computing shrinkage for the purposes of § 1024.41(b) (5) and (6) the market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in the following manner:

(a) Compute total shrinkage at each pool plant by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1024.41(a) (1) and as Class II milk pursuant to § 1024.41 (b) (1), (2), (3), and (4) (subject to the provisions of § 1024.43 to § 1024.45) from the receipts of the skim milk and butterfat, respectively, required to be re-

ported pursuant to § 1024.30;

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, physically received at such plant, other source milk received in the form of fluid milk products in bulk, and fluid milk products in bulk received from other pool plants in excess of transfers of such products in bulk to other plants.

§ 1024.43 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class

§ 1024.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to another pool plant, unless: (1) utilization in another class is claimed by the operator of both plants in their reports submitted pursuant to § 1024.30; and

(2) The transferee plant has utilization in Class II milk of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 1024.46(a) (1) to (4) and the corresponding steps of § 1024.46(b) and any remaining quantities shall be classified as Class I milk: Provided, That if the transferring plant has other source milk during the month, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants:

(b) As Class I milk if transferred or diverted to a producer-handler in the

form of a fluid milk product:

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located less than 300 airline miles from either the Courthouse in Owensboro. Kentucky, or Evansville, Indiana, unless:

(1) The handler claims classification in Class II in his report submitted to the market administrator pursuant to

§ 1024.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant:

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order

issued pursuant to the Act: Provided, That the amount subtracted pursuant to this subdivision shall be limited to such market's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order is sued pursuant to the Act:

(5) If the skim milk and butterfat, respectively, transferred by all handlers (including transfers from fluid milk plants subject to § 1024.75(b)) to such a nonpool plant and reported as Class I milk is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the total of the lower price classification reported by each of such handlers;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 300 airline miles or more from either the Courthouse in Owensboro, Kentucky, or Evansville, Indiana.

§ 1024.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the monthly report submitted for the pool plant of each handler pursuant to § 1024.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such plant: Provided. That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by the handler, the hundredweight of skim milk used to produce and disposed of in such products shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

§ 1024.46 Allocation of skim milk and butterfat classified.

- (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to each pool plant of each handler, shall be the pounds of skim milk in such class allocated to the producer milk for such month.
- (1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk classified as Class II pursuant to § 1024.41(b) (5);
- (2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk in fluid milk products received in consumer packages, not larger than a gallon, and so disposed of, if such skim milk is subject to the Class I pricing provisions of another order issued pursuant to the Act:
- (3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which is not subject to the Class I pricing provisions of an order issued pursuant to the Act: Provided, That if the pounds of skim milk to be substracted are greater than the remaining pounds of skim milk in Class II milk, the balance

shall be subtracted from the pounds of skim milk in Class I milk;

- (4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk received in the form of a fluid milk product in bulk and which was subject to the Class I pricing provisions of another order issued pursuant to the Act: Provided, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;
- (5) Subtract the pounds of skim milk in fluid milk products received from other pool plants from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1024.44(a);
- (6) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;
- (7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and
- (8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".
- (b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and
- (c) Add the pounds of skim milk and pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1024.50 Basic formula price.

The basic formula price shall be the higher of the prices as computed to the nearest one-tenth of a cent by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) Add an amount, computed by multiplying the butterfat differential computed pursuant to § 1024.52(b) by five, to the arithmetical average of the basic (or field) prices per hundred-weight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department by the companies listed below:

Company and Location

Borden Co., Mount Pleasant, Mich. Borden Co., New London, Wis. Borden Co., Orfordville, Wis. Carnation Co., Oconomowoc, Wis. Carnation Co., Richland Center, Wis. Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

- (b) The price obtained by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:
- (1) Multiply the Chicago butter price. by 4.8; and
- (2) From the nonfat dry milk price, subtract 5.5 cents and multiply the difference by 8.2.

§ 1024.51 Class prices.

Subject to the provisions of §§ 1024.52 and 1024.53 the minimum class prices for producer milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) Class I milk. The price for Class I milk shall be the basic formula price for

the preceding month plus:

- (1) During the 18 months immediately following the effective date of this section, \$1.15 for each of the months of April through July and \$1.38 for each of the months of August through March; and
- (2) Thereafter, \$1.10 for each of the months of April through July and \$1.33 for each of the months of August through March.
- (b) Class II milk. The price for Class II milk shall be:
- (1) For the months of September through February, the basic formula price for the month; and
- (2) For the months of March through August, the arithmetical average of the basic (or field) prices paid or to be paid per hundredweight for milk of 4.0 percent butterfat content for manufacturing purposes and received from farmers during the month at the following places for which prices are reported to the market administrator or the Department by the companies listed below plus 20 cents:

Company and Location

Producers' Dairy Marketing Association, Orleans, Ind.

Kraft Cheese Co., Dale, Ind. Swift and Co., Russellville, Ky. Pet Milk Co., Bowling Green, Ky. Pet Milk Co., Mayfield, Ky.

§ 1024.52 Butterfat differentials to handlers.

For each one-tenth of 1 percent that the weighted average butterfat test of producer milk which is classified in each class for each handler is more or less than 4.0 percent there shall be added to or subtracted from, as the case may be, the price for such class, a butterfat differential determined as follows:

(a) Class I price. Multiply the Chicago butter price for the preceding month by 0.122 for each of the months of April through July and 0.126 for each of the months of August through March.

(b) Class II price. Multiply the Chicago butter price for the month by .120.

§ 1024.53 Location differentials to handlers.

For producer milk which is received at a pool plant located 80 miles or more

from the County Courthouse in Evansville, Ind., or Owensboro, Ky., whichever is nearer, by the shortest hardsurfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1024.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Rate per hundred-Distance from County weight (cents) Courthouse (miles) 80 but less than 90__ 13.0 For each additional 10 miles or fraction thereof an additional_____

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II in the transferee plant after making the calculations prescribed in § 1024.46(a)(4), and the comparable steps in § 1024.46(b) for such plant, such assignment to transferrer-plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1024.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1024.55 Rate of payment on unpriced

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of April through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

(b) For the months of August through March, subtract the uniform price to producers from the Class I price adjusted by the Class I location differential at the location of the plant from which such milk is supplied.

DETERMINATION OF BASE

§ 1024.60 Daily average base.

Subject to the rules set forth in § 1024.61 the daily average base for each producer shall be calculated by dividing the total pounds of milk received from such producer at a pool plant(s) during the months of September through February immediately preceding, by the number of days from the first day for which milk is received from such producers during such months to the last day of February inclusive, but not less than 120 days: Provided. That in the case of a producer whose milk is received at a plant which becomes a pool plant during or after the end of the base-forming period, and which has records of milk receipts satisfactory to the market ad-. ministrator for the determination of a

base, the producer's base shall be that which would have been calculated for such producer (exclusive of transfers) for the entire base-forming period if such plant had been a pool plant during such period.

§ 1024.61 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1024.60 to each person for whose account producer milk was delivered during the months of September through February:

(b) If a producer ceases to deliver milk in his name between September 1 and the last day of February, but milk is delivered to a pool plant from the same dairy production facility in the name of another producer during the remainder of the base-forming period, the base earned by both producers shall be combined in the manner set forth in paragraph (c) (3) of this section if milk is delivered in the names of both producers during any of the immediately following months of April through July;

(c) A base shall be transferred from a person holding such base to another person as of the end of the month during which an application for the transfer of such base is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base holder or his heirs and by the person to whom such base is to be transferred subject to the following conditions:

(1) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders:

(2) An entire base or the proportionate share of a jointly held base may be transferred to another person if such person assumes the ownership or operation of the farm on which the base to be transferred was established: and

(3) If one or more bases are transferred to a producer already holding a base which was either earned by such producer or transferred to him, a new base shall be computed by adding together the total producer milk deliveries during the base-forming period of all persons in whose name such bases were earned and dividing the total by the number of days from the earliest date of delivery during the base-forming period by any of such persons to the last day of February, both inclusive, but not less than 120 days.

DETERMINATION OF UNIFORM PRICES

§ 1024.70 Net obligation of each handler.

The net obligation of each handler for producer milk received during the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 1024.46(a)(8) by the applicable class price(s);

(c) Add an amount computed by multiplying the hundredweight of other source milk subtracted from Class I milk pursuant to $\S 1024.46(a)(3)$ and the corresponding step in § 1024.46(b) by the rate of payment determined pursuant to § 1024.55 applicable to milk at the nearest plant(s) from which an equivalent amount of other source milk was received: Provided, That if the source of any such fluid milk product is not clearly established or if such skim milk and butterfat is in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1024.46(a) (6) and the corresponding step of § 1024.46(b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1024.46(a) (6) and the corresponding step of § 1024.46(b) for the month, whichever is less; and

(2) If the pounds on which payment is applicable pursuant to subparagraph (1) of this paragraph are less than the pounds subtracted from Class I milk pursuant to § 1024.46(a) (6) for the month. add an additional amount computed by multiplying the rate of payment pursuant to § 1024.55 by such difference to the extent that the pounds of skim milk and butterfat in other source milk assigned to Class II milk pursuant to § 1024.46 (a) (3) and the corresponding step of § 1024.46(b) for the preceding month exceeds the total pounds of skim milk and butterfat classified as Class II milk pursuant to § 1024.41(b) (1), (2), (3), and (6) (subject to the provisions of § 1024.44) for such preceding month.

§ 1024.71 Computation of aggregate value used to determine uniform price(s).

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1024.70 for the pool plants of all handlers who made the reports prescribed in § 1024.30 and who made the payments pursuant to §§ 1024.80 and 1024.82 for the preceding month:

(b) Add the aggregate of the values of location adjustments on producer milk pursuant to § 1024.85(b) for such handlers;

(c) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund;

(d) Subtract if the average butterfat content of producer milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to \$1024.85 and multiplying the resulting figure by the total hundredweight of such milk.

§ 1024.72 Computation of uniform price.

For each of the months of August through March, the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content as follows:

- (a) Divide the aggregate value computed pursuant to § 1024.71 by the total hundredweight of producer milk included in such computation; and
- (b) Subtract not less than 4 cents nor more than 5 cents.

§ 1024.73 Computation of uniform prices for base milk and excess milk.

For each of the months of April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

- (a) Compute the total value on a 4:0 percent butterfat basis of excess milk included in the computations pursuant to § 1024.71 by multiplying the hundred-weight of such milk not in excess of the total: pounds of Class II milk included in such computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and add together the resulting amounts:
- (b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content;
- (c) Subtract the value of excess milk at the uniform price determined in paragraph (b) of this section from the aggregate value of milk computed pursuant to § 1024.71;
- (d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in the computations pursuant to § 1024.71; and
- (e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content.

§ 1024.74 Notification of handlers.

The market administrator shall:

- (a) On or before the 11th day after the end of each month, notify each handler who operates a pool plant:
- (1) The amount and value of his milk in each class pursuant to § 1024.70;

- (2) The amount due the producer-settlement fund pursuant to § 1024.82; and (3) The amount to be paid by such handler pursuant to § 1024.86.
- (b) On or before the 20th day after the end of each month, notify each handler who operates a fluid milk plant, not a pool plant the amount due the producer-settlement fund and the amount due for administrative assessment pursuant to § 1024.75.

§ 1024.75 Obligation of handlers operating a fluid milk plant which is a nonpool plant.

On or before the 25th day after the end of each month, each handler, except a producer handler, operating a fluid milk plant pursuant to § 1024.9(a) (1) which is a nonpool plant, shall pay to the market administrator the amounts computed pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to \$1024.30 to pay the amounts computed pursuant to paragraph (b) of this section.

(a) An amount (1) for deposit in the producer-settlement fund, equal to the rate of payment on unpriced milk pursuant to § 1024.55 multiplied by the hundredweight of skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 1024.45) in the marketing area on routes during such month; and (2) for administrative assessment, equal to the rate specified in § 1024.86 applied to such Class I milk unless an administrative expense assessment is applied at such plant, pursuant to another order issued pursuant to the Act, as a fully regulated (pool) plant under such order; and

(b) An amount (1) for deposit into the producer-settlement fund, equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1024.70 for such nonpool plant and any supply plant(s) (meeting the requirements equivalent to § 1024.10(b)) which serves as a source of milk for such nonpool plant, if such plant(s) were a pool plant(s), (i) the gross payments made on or before the 18th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 1024.12(a), and (ii) any obligations incurred in accordance with provisions similar to those contained in this subparagraph or paragraph (a) (1) of this section applicable to such plant as a partially regulated plant under another order issued pursuant to the Act: Provided, That in the application of § 1024.44 for the purpose of this subparagraph, transfers or diversions of milk from such milk plant(s) to a pool plant shall be classified as Class I and Class II milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 1024.46(a) (3) and the corresponding step of (b): And provided further, In the application of § 1024.46(a) (5) and the corresponding step of § 1024.46(b), receipts of fluid milk products at such fluid milk plant(s) from a pool plant(s) shall be allocated from the class in which such products are classified at the pool plant pursuant to § 1042.44 (c) or (d); and (2) for administrative assessment, equal to the amount which would have been computed pursuant to § 1024.86 if such fluid milk plant were a pool plant during the month: Provided, That such amount shall be reduced by any amounts paid as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued under the Act: And provided further, That (i) if less Class I milk is disposed of from such plant on routes in the Ohio Valley marketing area than is disposed of on routes in another marketing area(s) as defined in an order(s) issued pursuant to the Act, and (ii) if an administrative expense assessment is applied at such plant as if a fully regulated (pool) plant under the order for the marketing area where the volume of Class I milk disposed of from such plantis greatest, no administrative expense assessment shall be applicable under this order.

§ 1024.76 Plants subject to other Federal orders.

The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1024.10 and a greater total volume of fluid milk products is disposed of from such plant to pool plants and in the Ohio Valley marketing area on routes than in the marketing area regulated pursuant to such other order during the month and each of the three months, immediately preceding: Provided, That the operator of a plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PAYMENTS

§ 1024.80 Time and method of payments for producer milk.

- (a) Except as provided in paragraph (c) of this section, each handler shall pay on or before the last day of each month each producer for producer milk received from him during the first 15 days of such month at not less than the Class II price for the preceding month rounded to the next lower dollar or half dollar as the case may be and without adjustment for butterfat content, hauling or other deductions;
- (b) Except as provided in paragraph (c) of this section, each handler shall (1) on or before the 16th day after the end of the month pay each producer for milk received from him during the month not less than the applicable uniform price(s) for such month computed pursuant to §\$ 1024.72 and 1024.73, adjusted by the butterfat differential computed pursuant to § 1024.85(a), the location differential pursuant to § 1024.85(b) and less the amount of the payment made pursuant

to paragraph (a) of this section and bona fide deductions authorized by the producer: Provided, That, with respect to each deduction made from such payment, the burden shall rest upon the handler making the deduction, to prove that each deduction is authorized by, and properly chargeable to, the producer; (2) furnish each producer with a supporting statement in such form that it may be retained by the producer which shall show:

(i) The month and identity of the

handler and of the producer;

(ii) The total pounds and the average butterfat content of milk delivered by the producer, including for the months of April through July, the pounds of base milk and excess milk;

(iii) The nature and amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 1024.87;

(iv) The minimum rate or rates at

which payment is required;

(y) The rate which is used in making the payment if such rate is more than the applicable minimum; and

(vi) The net amount of payment to

the producer.

- (c) Upon receipt of written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall:
- (1) Pay to the cooperative association on or before the 25th and 14th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, an amount not less than the total due such producermembers as determined pursuant to paragraphs (a) and (b), respectively, of this section.
- (2) Submit to the cooperative association on or before the 25th day of each month, written information which shows for each member-producer the total pounds of milk received during the first 15 days of the month;

(3) Submit to the cooperative association in writing on or before the 10th day of each month the information for each member-producer required pursuant to subdivisions (i) to (iii) of subparagraph (b) (2) of this section.

(d) The payments and submission of information pursuant to paragraph (c) of this section shall be made with respect to milk of each producer, who the coperative association certifies is a member, which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding receipt of notice from the coperative association of a termination of membership or until the original request is rescinded in writing by the association.

(e) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to veri-

fication at his discretion through audits of the records of the cooperative association pertaining thereto.

(f) Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1024.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1024.75, 1024.82 and 1024.84 and from which he shall make all payments pursuant to §§ 1024.83 and 1024.84: Provided, That payments due to any handler shall be offset by payments due from such handler.

§ 1024.82 Payments to the producersettlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator any amount by which the total value of milk at his pool plant(s) computed pursuant to § 1024.70 for such month is greater than the value of producer milk received by such handler during the month, computed at the applicable minimum uniform prices as specified in §§ 1024.72 and 1024.73 adjusted for the differentials provided for in § 1024.85.

§ 1024.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler, any amount by which the total value of milk at his pool plant(s) computed pursuant to § 1024.70 for such handler for such month is less than the value of producer milk received by such handler during the month, computed at the applicable uniform prices as specified in §§ 1024.72 and 1024.73 adjusted for the differentials provided for in § 1024.85.

§ 1024.84 Adjustment of errors in payment.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to §§ 1024.75 and 1024.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall within 15 days make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 1024.83, the market administrator shall within 15 days, make such payment to such han-Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1024.80, the handler shall pay such balance, due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosures.

§ 1024.85 Butterfat and location differentials to producers.

(a) Butterfat differential. In making payment for producer milk pursuant to § 1024.80, there shall be added to or subtracted from, respectively, the uniform price(s) per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 4.0 percent, respectively, a butterfat differential computed by the market administrator by multiplying the total pounds of butterfat in producer milk classified in Class I and Class II milk during the month pursuant to § 1024.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

(b) Location differentials. In making payments to producers pursuant to \$1024.80 for milk received at a pool plant located 80 miles or more from the nearest of the courthouse in Evansville, Indiana, or the courthouse in Owensboro, Kentucky, by the shortest hard-surfaced highway distance, as determined by the market administrator, the uniform price for August through March and the uniform price for base milk for April through July shall be reduced at the same rate as is applicable to Class I milk at such plant pursuant to § 1024.53.

§ 1024.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 12th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts at his pool plant(s) during the month of producer milk and other source milk allocated to Class I milk pursuant to § 1024.46(a) (3) and the corresponding step of § 1024.46(b). A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments in accordance with § 1024.75.

§ 1024.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1024.80(b), shall deduct 6 cents per hundreweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 12th day after the end of the month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this sec-

tion, such deductions as are authorized by such producers and, on or before the 14th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1024.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

- (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following informa-
 - (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid.
- (b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.
- (c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.
- (d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such-handler, within the applicable period of time, files

pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1024.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to §1024.91.

§ 1024.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1024.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1024.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1024.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1024.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 27th day of January 1960, to be effective as follows:

That portion of § 1024.51(a) "Class I milk" reading: "The price for Class I milk shall be the basic formula price for the preceding month plus:" and the figure "\$1.33" in § 1024.51(a) (2) shall be effective on and after March 1, 1960, and the remainder of § 1024.51(a) shall be effective on and after August 1, 1960; that portion of § 1024.15 following the

word "July" and all of §§ 1024.60 and 1024.61 shall be effective on and after August 1, 1960; §§ 1024.0 through 1024.14, §§ 1024.16 through 1024.46, and §§ 1024.88 through 1024.95 shall be effective on and after February 1, 1960; and all of the remainding provisions shall be effective on and after March 1, 1960.

CLARENCE L. MILLER, Assistant Secretary.

[F.R. Doc. 60-949; Filed, Jan. 29, 1960; 8:54 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission
[Docket 7279 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Englishtown Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 Composition of goods; § 13.130 Manufacture or preparation. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 Source or origin: 13.1900—35 Foreign product as domestic.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Englishtown Corporation et al., New York, N.Y., Docket 7279, December 19, 1959]

In the Matter of The Englishtown Corporation, a Corporation, and Norman Mercer, Individually, and Margaret Mercer, and Anne Loew, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors with selling cutlery assembled from carving fork heads imported from Japan with domestic handles without clearly disclosing the foreign origin of the imported parts, and with representing as "24 Karat Gold Plated", parts of the merchandise having a gold alloy applied by electrolytic process.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 19 the decision of the Commission.

The order to cease and desist is as follows:

- It is ordered, That the respondent The Englishtown Corporation, a corporation, and its officers, and Norman Mercer, individually, and respondents' agents, representatives and employees' agents, representatives and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cutlery, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or
- 1. Offering for sale or selling cutlery or any other product containing parts

made in Japan, or in any other foreign country, without clearly disclosing the country of origin of such parts;

2. Offering for sale or selling any product, made in Japan or in any foreign country, without clearly disclosing the foreign origin of such product;

3. Representing that merchandise which has a surface coating of gold or gold alloy applied by an electrolytic process is gold plated: Provided, however, That a product or a part thereof, upon all significant surfaces of which there has been affixed by an electrolytic process a coating of gold, or of gold alloy of not less than 10 karat fineness, the minimum thickness of which is equivalent to seven one-millionths of an inch of fine gold may be marked or described as gold electroplate or gold electroplated.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Margaret Mercer and Anne Loew.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondents The Englishtown Corporation, a corporation, and Norman Mercer, individually, shall within sixty (60) days after service upon of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 18, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, Secretary.

[F.R. Doc. 60-903; Filed, Jan. 29, 1960; 8:48 a.m.]

[Docket 7587 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Yarmuth Brothers, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: 13.155-15 Comparative. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: \$ 13.1108-45 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1785 Comparative. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Yarmuth Brothers, Inc., et al., New York, N.Y., Docket 7587, December 17, 1959]

In the Matter of Yarmuth Brothers, Inc., a Corporation, and Murray Yarmuth and Monty Yarmuth, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City furriers with violating the advertising and

invoicing provisions of the Fur Products Labeling Act by setting out fictitious prices on consignment invoices for fur products; by representing advertised prices as reduced without giving the time of compared higher prices; and by failing to maintain adequate records as a basis for such pricing claims.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Yarmuth Brothers, Inc., a corporation, and its officers, and Murray Yarmuth and Monty Yarmuth. individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "com-merce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by: Representing, directly or by implication, on invoices that the former or regular price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Represents directly or by implication that the regular or usual price of any fur products is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Represents directly or by implication that prices of fur products are reduced from previous higher prices without giving the time of such compared higher prices.

C. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Making claims and representations respecting prices and values of fur products unless there are maintained by respondents full and adequate records showing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with

invoicing provisions of the Fur Products the Commission a report in writing Labeling Act by setting out fictitious setting forth in detail the manner and prices on consignment invoices for fur products; by representing advertised the order to cease and desist.

Issued: December 17, 1959.

By the Commission.

SEAL] ROBERT M. PARRISH, Secretary.

[F.R. Doc. 60-904; Filed, Jan. 29, 1960; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER D-MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 2 4 1—COOPERATIVE HOUS-ING INSURANCE; ELIGIBILITY RE-QUIREMENTS FOR PROJECT MORTGAGE

PART 243—COOPERATIVE HOUS-ING INSURANCE; ELIGIBILITY RE-QUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPER-TIES RELEASED FROM LIEN OF PROJECT MORTGAGE

Miscellaneous Amendments

In § 241.1, paragraph (j) is amended by adding a new subparagraph (3) as follows:

§ 241.1 Definitions.

(3) A nonprofit cooperative housing corporation or trust initiated and organized by bona fide members or stockholders who are the ultimate consumers, or by a consumer group or sponsor, the members and organizers of which do not have an identity of interest with the builder or landowner and which conducts all transactions between it and the builder and the landowner on an armslength basis.

In § 241.7, paragraph (j) is amended to read as follows:

§ 241.7 Maximum mortgage amounts.

(j) Mortgagor's minimum investment-Sales Projects. At the time a mortgage executed by a mortgagor of a Sales Project is insured, the mortgagor shall have paid on account of the project at least 1 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent and no part of the amount for working capital specified in § 241.26 may be included in this payment. At the time a mortgage is executed each member or stockholder of the mortgagor shall have paid the amount required by § 243.9(b), (Mortgagor's minimum investment). With respect to applications received on or after January 25, 1960, the mortgagor shall have paid on account of the project at least 3 percent of the Commissioner's estimate of cost of acquisition or such larger amount as the Commissioner may determine, in cash or its equivalent and the amount required by the Commissioner for working capital may be included in the 3 percent payment required by this paragraph only if it has been paid to the mortgagor by the bona fide cooperative members or stockholders of the mortgagor.

Section 241.20 is amended by adding a new paragraph (c) as follows:

§ 241.20 Eligibility of mortgagors.

(c) With respect to applications received on or after January 25, 1960, a mortgagor of a Sales Project which is not a consumer cooperative shall be eligible only where the mortgage is to be insured upon completion and the project includes FHA approved community facilities.

Section 241.26 is amended to read as follows:

§ 241.26 Working capital.

The mortgagor shall deposit with the mortgagee or in a depository satisfactory to the mortgagee and under control of the mortgagee, an amount equivalent to not less than 2 percent of the original principal amount of the mortgage (not less than 1 percent if an eligible mortgagor is purchasing an Investor Project or if the mortgage covers Existing Construction). Disbursements from the deposit shall be made only in a manner prescribed by the Commissioner. With respect to applications received on or after January 25, 1960, no working capital deposit shall be required where the mortgage of a Sales Project is insured upon completion and does not involve insurance of advances.

In § 243.9, paragraph (b) is amended to read as follows:

§ 243.9 Maximum amount of mortgage and mortgagor's minimum investment.

(b) Mortgagor's minimum investment. At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 1 percent of the Commissioner's estimate of .the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent and no part of the amount required for working capital specified in § 241.26 may be included in the payment required by this paragraph. The mortgagor's cash investment in the mortgagor corporation under the project mortgage may be credited against the amount required by this paragraph. With respect to applications received on or after January 25, 1960, the mortgagor shall have paid on account of the project at least 3 percent of the Commissioner's estimate of cost of acquisition or such larger amount as the Commissioner may determine, in cash or its equivalent and the amount required by the Commissioner to be paid to the working capital deposit of the mortgagor corporation may be

included in the 3 percent payment required by this paragraph only if it has been paid to the mortgagor corporation by the mortgagor as a bonafide cooperative member or stockholder of the mortgagor corporation.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Issued at Washington, D.C., January 25, 1960.

JULIAN H. ZIMMERMAN, Federal Housing Commissioner.

[F.R. Doc. 60-934; Filed, Jan. 29, 1960; 8:52 a.m.]

SUBCHAPTER M-MILITARY AND ARMED SERV-ICES HOUSING MORTGAGE INSURANCE

PART 292a — A R M E D SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Subpart A—Military Personnel

INELIGIBLE ADVANCES

Section 292a.30 is amended to read as follows:

§ 292a.30 Ineligible advances.

Unless approved by the Commissioner no advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on an ineligible list as prescribed in § 292a.29.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

Issued at Washington, D.C., January 26, 1960.

C. B. SWEET,
Acting Federal Housing Commissioner.

[F.R. Doc. 60-933; Filed, Jan. 29, 1960; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission
PART 12—AMATEUR RADIO
- SERVICE

Frequencies and Types of Emission for Use of Amateur Stations

The Commission having under consideration the desirability of making an editorial change in Part 12 of its rules and regulations; and

and regulations; and

It appearing that the amendment adopted herein is editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i),

(5) (d) (1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information;

It is ordered, This 27th day of January 1960, that, effective February 1, 1960, Part 12 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Released: January 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

Section 12.111(a) (5) is amended to delete the prefix "sub" from the word "subparagraph" in the first line thereof. As amended, § 12.111(a) (5) reads as follows:

§ 12.111 Frequencies and types of emission for use of amateur stations.

(a) * * *

(5) The provisions of this paragraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

[F.R. Doc. 60-951; Filed, Jan. 29, 1960; 8:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 80; Amdt. 40-25]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Requirements for Use of Oxygen Masks by Flight Crew Members of Turbine-Powered Airplanes

Currently effective § 40.203—T(c) provides that on and after February 1, 1960, when operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed.

The date for compliance with this regulation was to have been November 30, 1959, but was deferred for 60 days in order to make further studies of this matter upon representation that this requirement is not necessary to achieve the highest degree of safety in air transportation and that compliance with this regulation may detract from the required

crew coordination and adversely affect safety. These studies have been made during the intervening period.

No evidence has been presented during this time which validates the contention that the regulation is not necessary to achieve the highest practicable degree of safety; neither has the claim been substantiated that the regulation would adversely affect safety. It is concluded, therefore, that the original basis for the regulation remains valid and that it should remain in effect.

During the course of the study it was noted that the various types of masks intended to be used in compliance with this regulation differ in the facility with which they can be donned. For example, some masks can be placed on the face with one hand so that they are properly secured and sealed. This is accomplished by having retaining means already in place on the head. This feature permits the mask to be placed on the face with minimum delay and without disturbing headphones, glasses, or Thus, the crew member can proceed with emergency procedures quickly and without distraction. Therefore, it is believed that if all crew members are provided with masks having these characteristics, safety would not be adversely affected by permitting the aircraft to be operated at flight altitudes up to 30,000 feet without requiring one pilot at the controls to wear and use an oxygen mask. Therefore, the regulation is being relaxed to the extent that a pilot need not wear a mask at or below 30,000 feet if all flight crew members are equipped with masks having these characteristics. In order for any air carrier to take advantage of this relaxation, it will be necessary for existing masks to be reevaluated by a satisfactory demonstration of these characteristics to a representative of the Administrator.

It should be emphasized, however, that the Federal Aviation Agency will continue to study the need for and use of oxygen masks by flight crew members. If shown necessary by service experience, additional rule making action will be undertaken.

Since this amendment grants relief by extending the altitude above which masks shall be worn in compliance with a requirement of the Civil Air Regulations, the Administrator finds that notice and public procedure hereon are not necessary, and that this amendment may be made effective immediately.

In consideration of the foregoing, § 40.203-T(c) of Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is amended as follows, effective February 1, 1960:

§ 40.203-T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.

(c) Use of oxygen masks by flight crew members. When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew mem-

bers on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed: *Provided*, That the one pilot need not wear a mask at or below 30,000 feet if all flight crew members are equipped with a quick-donning type of oxygen mask which is demonstrated to be satisfactory to a representative of the Administrator.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778, 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on January 28, 1960.

E. R. QUESADA, Administrator.

[F.R. Doc. 60-1038; Filed, Jan. 29, 1960; 9:01 a.m.]

[Reg. Docket No. 81; Amdt. 41-32]

PART 41—CERTIFICATION AND OP-ERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUT-SIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Requirements for Use of Oxygen Masks by Flight Crew Members of Turbine-Powered Airplanes

Currently effective § 41.24a—T provides that on and after February 1, 1960, when operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed.

The date for compliance with this regulation was to have been November 30, 1959, but was deferred for 60 days in order to make further studies of this matter upon representation that this requirement is not necessary to achieve the highest degree of safety in air transportation and that compliance with this regulation may detract from the required crew coordination and adversely affect safety. These studies have been made during the intervening period.

No evidence has been presented during this time which validates the contention that the regulation is not necessary to achieve the highest practicable degree of safety; neither has the claim been substantiated that the regulation would adversely affect safety. It is concluded, therefore, that the original basis for the regulation remains valid and that it should remain in effect.

During the course of the study it was noted that the various types of masks intended to be used in compliance with this regulation differ in the facility with which they can be donned. For example, some masks can be placed on the face with one hand so that they are properly

secured and 'sealed. This is accomplished by having retaining means already in place on the head. This feature permits the mask to be placed on the face with minimum delay and without disturbing headphones, glasses, or hats. Thus, the crew member can proceed with emergency procedures quickly and without distraction. Therefore, it is believed that if all crew members are provided with masks having these characteristics, safety would not be adversely affected by permitting the air-craft to be operated at flight altitudes up to 30,000 feet without requiring one pilot at the controls to wear and use an oxygen mask. Therefore, the regulation is being relaxed to the extent that a pilot need not wear a mask at or below 30,000 feet if all flight crew members are equipped with masks having these characteristics. In order for any air carrier to take advantage of this relaxation, it will be necessary for existing masks to be reevaluated by a satisfactory demonstration of these characteristics to a representative of the Administrator.

It should be emphasized, however, that the Federal Aviation Agency will continue to study the need for and use of oxygen masks by flight crew members. If shown necessary by service experience, additional rule making action will be undertaken.

Since this amendment grants relief by extending the altitude above which masks shall be worn in compliance with a requirement of the Civil Air Regulations, the Administrator finds that notice and public procedure hereon are not necessary, and that this amendment may be made effective immediately.

In consideration of the foregoing, § 41.24a-T(c) of Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is amended as follows, effective February 1, 1960:

§ 41.24a—T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.

(c) Use of oxygen masks by flight crew members. When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed: Provided, That the one pilot need not wear a mask at or below 30,000 feet if all flight crew members are equipped with a quick-donning type of oxygen mask which is demonstrated to be satisfactory to a representative of the Administrator.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on January 28, 1960.

E. R. QUESADA, Administrator.

[F.R. Doc. 60-1039; Filed, Jan. 29, 1960; 9:02 a.m.]

[Reg. Docket No. 82; Amdt. 42-27]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Requirements for Use of Oxygen Masks by Flight Crew Members of Turbine-Powered Airplanes

Currently effective § 42.27–T(c) provides that on and after February 1, 1960, when operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed.

The date for compliance with this regulation was to have been November 30, 1959, but was deferred for 60 days in order to make further studies of this matter upon representation that this requirement is not necessary to achieve the highest degree of safety in air transportation and that compliance with this regulation may detract from the required crew coordination and adversely affect safety. These studies have been made during the intervening period.

No evidence has been presented during this time which validates the contention that the regulation is not necessary to achieve the highest practicable degree of safety; neither has the claim been substantiated that the regulation would adversely affect safety. It is concluded, therefore, that the original basis for the regulation remains valid and that it should remain in effect.

During the course of the study it was noted that the various types of masks intended to be used in compliance with this regulation differ in the facility with which they can be donned. For example, some masks can be placed on the face with one hand so that they are properly secured and sealed. This is accomplished by having retaining means already in place on the head. This feature permits the mask to be placed on the face with minimum delay and without disturbing headphones, glasses, or hats. Thus, the crew member can proceed with emergency procedures quickly and without distraction. Therefore, it is believed that if all crew members are provided with masks having these characteristics, safety would not be adversely affected by permitting the aircraft to be operated at flight altitudes up to 30,000 feet without requiring one pilot at the controls to wear and use an oxygen mask. Therefore, the regulation is being relaxed to the extent that a pilot need not wear a mask at or below 30,000 feet if all flight crew members are equipped with masks having these characteristics. In order for any air carrier to take advantage of this relaxation, it will be necessary for existing masks to be reevaluated by a satisfactory demonstration of these characteristics to a representative of the Administrator.

It should be emphasized, however, that the Federal Aviation Agency will continue to study the need for and use of oxygen masks by flight crew members, If shown necessary by service experience, additional rule making action will be undertaken.

Since this amendment grants relief by extending the altitude above which masks shall be worn in compliance with a requirement of the Civil Air Regulations, the Administrator finds that notice and public procedure hereon are not necessary, and that this amendment may be made effective immediately.

In consideration of the foregoing, § 42.27-T(c) of Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is amended as follows, effective February 1, 1960:

§ 42.27-T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.

(c) Use of oxygen masks by flight crew members. When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use. properly secured and sealed: Provided, That the one pilot need not wear a mask at or below 30,000 feet if all flight crew members are equipped with a quick-donning type of oxygen mask which is demonstrated to be satisfactory to a representative of the Administrator.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on January 28, 1960.

E. R. QUESADA, Administrator.

[F.R. Doc. 60-1040; Filed, Jan. 29, 1960; 9:02 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS
[Reg. Docket No. 264; Amdt. 96]

PART 507—AIRWORTHINESS

DIRECTIVES

Kidde and C-O-TWO Smoke Detectors

Airworthiness directive 59-24-2 (24 F.R. 9985) required the removal of certain models of Kidde and C-O-TWO smoke detectors installed in civil transport category aircraft with the exception that those detectors approved as part of the airplane installation having an alarm sensitivity that does not exceed 60 percent light transmission need not be removed. Subsequent to the adoption of the airworthiness directive, it has been determined that detectors

with an alarm sensitivity exceeding 60 percent light transmission are satisfactory. Therefore, AD 59-24-2 is being amended to except detectors approved as a part of the airplane installation without a limitation on the percentage of light transmission. These detectors are only approved as a part of the airplane installation under a supplemental type certificate and AD 59-24-2 is being clarified in this regard. Since the amendment imposes no additional burden and may relieve some operators of the necessity for complying with AD 59-24-2 (24 F.R. 9985) notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the Federal Register.

In consideration of the foregoing \$507.10(a), (14 CFR Part 507), is amended as follows:

59-24-2 Kidde and C-O-TWO smoke detectors as it appeared in 24 F.R. 9985 is revised by deleting the first sentence of the second paragraph and substituting therefor the following: "All Model A4532-MI, ASDC-2 and ASDT-3 smoke detectors installed in transport category aircraft shall be removed from service prior to January 31, 1960, except when these detectors are approved as a part of the airplane installation under a supplemental type certificate."

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 28, 1960.

JAMES T. PYLE, Acting Administrator.

[F.R. Doc. 60-1029; Filed, Jan. 29, 1960; 8:56 a.m.]

SUBCHAPTER E-AIR NAVIGATION REGULATIONS

[Reg. Docket No. 259; Amdt. 153]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

RULES AND REGULATIONS

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Collings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

	Ceiling and visibility minimums						
From-	То—	Course and distance	Minimum altitude (feet)	Condition	2-engin 65 knots or less	e or less More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELED, EFFECTIVE UPON PUBLICATION IN THE FEDERAL REGISTER. MSL-LFR DECOMMISSIONED 30 DECEMBER 1959. City, Muscle Shoals; State, Ala.; Airport Name, Muscle Shoals; Elev., 548'; Fac. Class., SBRAZ; Ident., MSL; Procedure No. 1, Amdt. 6; Eff. Date, 2 Nov. 57; Sup. Amdt. No. 5; Dated, 28 June 54

Port Chester FM	LGA-LFR (Final)	223-13.9	*1500	T-dn C-dn S-dn-22 A-dn	300-1 500-1 500-1 800-2	300-1 600-1 500-1 800-2	200-1/2 600-1/4 500-1 800-2
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Procedure turn N side NE crs, 043° Outbnd, 223° Inbnd, 1900' within 10 miles.

Minimum altitude over facility on final approach crs, *1500' (*1000' authorized after New Rochelle MHW).

Crs and distance, facility to airport, 223°—2.8.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles, after passing LaGuardia LFR, climb to 1500' on SW crs of LaGuardia LFR or (when directed by ATC) (2) climb to a higher altitude or (3) make a climbing left turn to 1500' return to New Rochelle MHW, or (4) if unable to proceed from New Rochelle MHW with 3 miles visibility and clear of all clouds, make a climbing right turn to 1500' and return to New Rochelle holding pattern.

CAUTION: Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area.

*Descent to landing minimums authorized only after passing LaGuardia LFR.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class., SBRAZ; Ident., LGA; Procedure No. 1, Amdt. 6; Eff. Date, 27 Feb. 60; Sup. Amdt. No. 5; Dated, 16 June 56

Flatbush FM	LOM (Final)	0436.3	*1200	T-dn C-dn S-dn-4 A-dn	300-1 500-1 500-1 800-2	300-1 600-1 500-1 800-2	200-1/2 600-1/2 500-1 800-2

Procedure turn 8 side SW crs, 223° Outbnd, 0.43° Inbnd, 1500′ S of Flatbush FM but within 10 miles of LOM.
Minimum altitude over facility on final approach crs, *1200′ (over LGA OM).
Crs and distance, facility to airport, 043°—3.9 (from LGA OM).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles of LGA OM, climb to 1500′ on NE crs LGA
LFR or (when directed by ATC) (2) climb to a higher altitude or (3) make a climbing right turn to 1500′ and return to Flatbush FM.
*Descent to landing minimums authorized after passing LGA OM.
Caution: Standard obstruction clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class., SBRAZ; Ident., LGA; Procedure No. 2, Amdt. 6; Eff. Date, 27 Feb. 60; Sup. Amdt. No.5; Dated, 16 June 56

,			•	T-dn*	300-1	300-1	200-1⁄2
				C-dn		600-2	600-2
•	ļ	į į		S-dn-22	500-11/2	500-11/2	500-11/2
	}	*		A-dn	、800~2 [°] ¯	800-2	800-2
the contract of the contract o		•	ŧ	Į.	, ,	1	

Instrument approach to be conducted in accordance with USAF AL-310-RNG. *600-2 required for takeoff on Runway 22.

City, Palmdale; State, Calif.; Airport Name, Air Force Plant No. 42; Elev., 2549'; Fac. Class., SBMRAZ-VTD; Ident., PMD; Procedure No. 1, Amdt. 1; Eff. Date, 27 Feb. 60; Sup. Amdt. No. Orig.; Dated, 10 Oct. 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Cellings are in feet above alrort elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

	Transition								
From—	То	Course and distance	Minimum altitude (feet)	Condition	2-engine or less 65 knots or less More than 65 knots		More than 2-engine, more than 65 knots		
Evanston Int* NBU-LFR Midway LOM O'Hare VOR Northbrook VOR Int R-338 API and R-255 ORD	LOM LOM LOM	Direct	2500 2500 2500	T-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1/2 500-11/2 400-1 800-2		

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from LOM. Refer to radar procedures for O'Hare if sector altitude information desired.

Procedure turn West side of crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles.

Minimum altitude over LOM on final approach crs, 2000'.

Crs and distance, facility to airport, 138°—54 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 54 miles after passing LOM, make immediate left (north) turn, climb to 2500' or higher altitude specified by ATC and proceed to Northbrook VOR via O'Hare TVOR R-030 and Northbrook VOR R-135 or, when directed by ATC, (1) Make immediate left turn, climb to 3500', proceed to NBULFR via 030° crs and 8E crs NBU LFR.

Evanston Int: Int R-075 ORD and R-135 OBK.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev., 666'; Fac. Class., I.OM; Ident., OR; Procedure No. 1, Amdt. 2; Eff. Date, 27 Feb. 60; Sup. Amdt. No. 1 (ADF portion of comb. ILS-ADF); Dated, 22 Mar. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Cellings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches

	Transition .			Ceiling	and visibili	ty minimum	5
		0	Minimum		2-engine	More than	
From—	То	Course and distance	altitude (feet)	Condition	65 knots or less	65 knots or less More than 65 knots	
ugusta LFR	AGS-VOR	Direct	1800	T-dn	300-1 800-2 NA		
Procedure turn S side of crs, 320° Outbn. Minimum altitude over facility on final Crs and distance, facility to airport, 134° If visual contact not established upon des CAUTION: Danger area 4 mi W and prob NOTE: No communications or weather see NA. UNICOM available.	approach ers, 1300'. "-6.3 mi. scent to authorized landing minimums or sibited area 5 mi E of missed approach er ervice avallable. AGS weather observat Daniel Field: Elev., 427': Fac. Class., BV	s. .ions made at Bush F OR: Ident AGS: Pr	ield 7 mi, SI	E and 282' below el	evation of D	aniel Field.	Air Carri
	Dated,	20 Aug. 55					
·	_	-		T-d C-d A-d	300-1 1000-2 1000-2		
Ors and distance, facility to airport, 075° If visual contact not established upon des Nors: Airport not suitable for aircraft v ity, Butler; State, Mo.; Airport Name, Bu	scent to authorized landing minimums or vith stall speed greater than 66 K. itler; Elev., 870'; Fac. Class., BVOR; Ide	•		dt. 2; Eff. Date, 27	Feb. 60; Sup		j
				T-dn	300-1 1000-1 1000-1½ 1000-1½		
Procedure turn E side of crs, 158° Outbu Minimum altitude over facility on final Crs and distance, facility to airport, 338° If visual contact not established upon de AIR CARRIER NOTE: Air carrier use not CAUTION: Sod field.	approach ers, 2200'. —2.9. scent to authorized landing minimums of authorized. amoni; Elev., 1163'; Fac. Class., BVOR;			•			
!				T-dnC-dn	300-1 500-1	300-1 500-1	200-) 500-1
	·		•	S-dn-29 A-dn	400-1 800-2	400-1 800-2	400-1
Procedure turn N side crs, 108° Outbnd, Minimum altitude over facility on final Crs and distance, facility to airport, 288° If visual contact not established upon des OAUTION: Transmission line poles 654′ M Major change: Deletes transition from M	approach crs, 1400'. —5.9. Secent to authorized landing minimums or 48L located 1.5 mi E of approach end of fuscle Shoals LFR.	Runway 29.		A-dnin 5.9 miles, climb	400-1 800-2 to 2000' on R	-288 within 2	400-1 800-2 0 miles.
Minimum altitude over facility on final a Crs and distance, facility to airport, 288° If visual contact not established upon des OAUTION: Transmission line poles 654' M	approach crs, 1400'. —5.9. seent to authorized landing minimums or 48 L located 1.5 mi E of approach end of fuscle Shoals LFR. ame, Musclo Shoals; Elev., 548'; Fac. Cli	Runway 29.		A-dnin 5.9 miles, climb	400-1 800-2 to 2000' on R	-288 within 2	400-1 800-2 0 miles.

Instrument approach to be conducted in accordance with USAF AL-310-VOR. *600-2 required for takeoff on Runway 22.

City, Palmdale; State, Calif.; Airport Name, Air Force Plant No. 42; Elev., 2549'; Fac. Class., BVOR; Ident., PMD; Procedure No. 1, Amdt 1; Eff. Date, 27 Feb. 60; Sup. Amdt. No. Orig.; Dated, 10 Oct. 59

RULES AND REGULATIONS

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part: TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Cellings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

	Transition									
			Course and	Minimum		2-engin	More than			
From—	То	distance	altitude (feet)	Condition	65 knots or less	More than 65 knots	2-engine, more than 65 knots			
Laurel Int	BAL VORBAL VORBAL VORBAL VOR.		Direct	1600 1500 1600 1500	T-dn C-dn S-dn-28# A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-1/2 500-11/2 500-1 800-2		

Procedure turn North side of crs, 096° Outbnd, 276° Inbnd, 1500′ within 5 mi. of Green Haven Int.*

Minimum altitude over facility on final approach crs, 646′. Maintain 1300′ until passing Green Haven Int.*

Crs and distance, breakoff point to approach end of runway, 284°—0.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 1500′ on 276 of BAL VOR within 10 miles.

Poscend to landing minimums after passing Green Haven Int.

**Int. R-096 BAL VOR and S crs BAL LFR.*

City, Baltimore; State, Md.; Airport Name, Friendship Intl.; Elev., 146'; Fac. Class., BVOR; Ident., BAL; Procedure No. TerVOR-28, Amdt. 2; Eff. Date, 27 Feb. 60; Sup. Amdt. No. 1; Dated, 19 Sept. 59

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with radiation agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach is lost for more than 5 seconds during a precision approach, or more than 5 seconds during a precision approach; or more than 5 seconds during a precision approach is lost for more than 5 seconds during a precision approach; or more than 5 seconds during a precision approach; or more than 5 seconds during a precision approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

•	Radar terminal area maneuvering sectors and altitudes										Ceiling and visibility minimums							
																2-engin	e or less	More than 2-engine,
From	То	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	. Condition	65 knots or less	More than 65 knots	more than 65 knots	
015 040 060 085 135 150 180 270 345	040 060 085 135 150 180 270 345 015	5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	1500 1500 1500 1500 1500 1500 1500 1500	10 10 10 10 10 10 10 10	1800 1500 1500 1500 1500 2000 1500 2500 2000	15 15 15 15 15 15 15 15	2000 2000 1500 1500 2500 2500 1500 3500 3000	20 20 20 20 20 20 20 20 20 20	5000 3000 3000 3000 3000 3000 3000 5000 5000	25 25 25 25 25 25 25 25 25 25 25 25	7500 3500 3500 3500 4000 4000 4000 5000 7500			S-dn-25R S-dn-25L# A-dn. T-dn# C-dn S-dn*	Precision 300-3/4 200-1/2 600-2 Surveillance 300-1 500-1 500-1 800-2	300-3/4 200-1/2 600-2		

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

*Runways 25L-R, 7L-R.

#Runway Visual Range 2600' also authorized for takeoff and landing on Rnwy 25-L; provided, that all components of the PAR, high intensity runway lights, approach lights, condensor discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 326' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on outbound crs of 248° from LAX RBn within 20 miles

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class., Los Angeles Int'l.; Ident., Radar; Procedure No. 1, Amdt. 13; Eff. Date, 27 Feb. 60; Sup. Amdt. No. 12; Dated, 14 Mar. 59

These procedures shall become effective on the dates indicated on the procedures. (Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on January 25, 1960.

B. PUTNAM. Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-898; Filed, Jan. 28, 1960; 8:49 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S-NUMBERING OF UNDOCU-MENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59-66]

PART 172—NUMBERING REQUIRE-MENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

RHODE ISLAND SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast-Guard, on December 16, 1959, approved the Rhode Island system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Rhode Island system shall be operative on and after Friday, April 1, 1960. On that date the authority to number motorboats principally used in the State of Rhode Island will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Rhode Island. On and after April 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Rhode Island will be required to be reported to the Division of Harbors and Rivers, Providence, Rhode Island, pursuant to the Act (H 1641 Substitute A) entitled "An Act Providing for the Regulation of Boats and in Amendment of and in Addition to Title 46 of the General Laws, Entitled 'Waters and Navigation,' and the Administrative regulations promulgated thereunder by the Division of Harbors and Rivers.

Because § 172.25–15(a) (14), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15(a) (14) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) * * •

(14) Rhode Island—April 1, 1960.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: January 20, 1960.

[SEAL] A. C. RICHMOND, Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-944; Filed, Jan. 29, 1960; 8:54 a.m.]

[CGFR 59-67]

PART 172—NUMBERING REQUIRE-MENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

VERMONT SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on December 16, 1959, approved the Vermont system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958

As provided in this approval, the Vermont system shall be operative on and after Friday, January 1, 1960. On that date the authority to number motorboats principally used in the State of Vermont will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motor-boats presently numbered should con-tinue to display the Coast Guard number until renumbered by Vermont. On and after January 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Vermont will be required to be reported to the Department of Public Safety, State of Vermont, Montpelier, Vermont pursuant to the Vermont Boat Law (Title 25, Chapter 5. Sections 301-317 inclusive. Vermont Statutes Annotated) and the rules and regulations promulgated thereunder.

Because § 172.25–15(a) (15), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15 (a) (15) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) * * *

(15) Vermont—January 1, 1960.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: January 20, 1960.

[SEAL] A. C. RICHMOND, Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-946; Filed, Jan. 29, 1960; 8:54 a.m.]

[CGFR 60-1]

PART 172—NUMBERING REQUIRE-MENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

ALABAMA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on December 23, 1959, approved the Alabama system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Alabama system shall be operative on and after January 1, 1960. On that date the authority to number motorboats principally used in the State of Alabama will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Alabama. On and after January 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Alabama will be required to be reported to the Department of Conservation, Water Safety Division pursuant to the House Bill 256. Act No. 576 passed in the 1959 Regular Session and approved by the Governor of Alabama on November 19, 1959 and the Water Safety Regulations No. 1, 2, and 3 promulgated by the Director of Conservation.

Because § 172.25–15(a) (16), as set forth in this document is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a) (16) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) * * *

(16) Alabama-January 1, 1960.

RULES AND REGULATIONS

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: January 20, 1960.

[SEAL] A. C. RICHMOND, Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-939; Filed, Jan. 29, 1960; 8:53 a.m.1

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: January 20, 1960.

[SEAL] A. C. RICHMOND, Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-940; Filed, Jan. 29, 1960; 8:53 a.m.1

Dated: January 20, 1960.

545; 5 U.S.C. 1002, 14 U.S.C. 633)

(SEAL) A. C. RICHMOND, Vice Admiral, U.S. Coast Guard, Commandant.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat.

[F.R. Doc. 60-943; Filed, Jan. 29, 1960; 8:53 a.m.

ICGFR 60-21

MENTS UNDER ACT OF JUNE 7,

Subpart 172.25—Termination Requirements

ARKANSAS SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on December 23, 1959, approved the Arkansas system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Arkansas system shall be operative on and after January 1, 1960. On that date the authority to number motorboats principally used in the State of Arkansas will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Arkansas. On and after January 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Arkansas will be required to be reported to the Arkansas Game and Fish Commission, pursuant to the Arkansas Act 453 of 1959, and the regulations of the Arkansas Game and Fish Commission dated June 22, 1959.

Because § 172.25-15(a) (17), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a) (17) is prescribed and shall be in effect on and after the date set forth

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) * * *

(17) Arkansas—January 1, 1960.

[CGFR 60-3]

PART 172-NUMBERING REQUIRE- PART 172-NUMBERING REQUIRE-MENTS UNDER ACT OF JUNE 7,

Subpart 172.25—Termination Requirements

NEBRASKA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32. dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on December 23, 1959, approved the Nebraska system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Nebraska system shall be operative on and after January 1, 1960. On that date the authority to number motorboats principally used in the State of Nebraska will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Nebraska. On and after January 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Nebraska will be reported to the Game, Forestation and Parks Commission pursuant to the Legislative Bill 108 enacted during the Sixtyninth Session of the Legislature of Nebraska; and the boating regulations established by the Nebraska Game. Forestation and Parks Commission.

Because § 172.25-15(a)(18), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a) (18) is prescribed and shall be in effect on and after the date set forth therein ·

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) • • •

(18) Nebraska-January 1, 1960.

ICGFR 60-41

PART 172-NUMBERING REQUIRE-MENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

DELAWARE SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on December 30, 1959, approved the Delaware system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Delaware system shall be operative on and after April 1, 1960. On that date the authority to number motorboats principally used in the State of Delaware will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Delaware. On and after April 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Delaware will be required to be reported to the Boat Safety Director, Delaware Commission of Shell Fisheries, Dover, Delaware pursuant to the Delaware "Boat Registration and Safety Act" (H.S. No. 247, 120th General Assembly) and the regulations promulgated by the Motor Vehicles Department of Delaware.

Because § 172.25-15(a) (19), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521). and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a)(19) is prescribed and shall be in effect on and after the date set forth

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) * * *

(19) Delaware-April 1, 1960.

(Sec. 3, 60 Stat 238, and sec. 633, 63 Stat. rule about official actions performed by 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: January 20, 1960.

A. C. RICHMOND, [SEAL] Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-941; Filed, Jan. 29, 1960; 8:53 a.m.]

[CGFR 60-5]

PART 172-NUMBERING REQUIRE-MENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

SOUTH DAKOTA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605, the Commandant, United States Coast Guard, on January 13, 1960, approved the South Dakota system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the South Dakota system shall be operative on and after January 18, 1960. On that date the authority to number motorboats principally used in the State of South Dakota will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by South Dakota. On and after January 18, 1960, all reports of "boating accidents" which involve motorboats numbered in South Dakota will be required to be reported to the Department of Game, Fish and Parks, Pierre, South Dakota pursuant to the Senate Bill 125 as passed by the Thirty-Sixth Session of South Dakota and regulations promulgated by the Game, Fish and Parks Commission.

Because § 172.25-15(a) (20), as set forth in this document, is an informative the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120. dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a)(20) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) * * *

(20) South Dakota-January 18, 1960. (Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: January 22, 1960.

J. A. HIRSHFIELD, Rear Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 60-945; Filed, Jan. 29, 1960; 8:54 a.m.]

[CGFR 60-61

PART 172--NUMBERING REQUIRE-MENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

INDIANA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605) the Commandant, United States Coast Guard, on January 13, 1960, approved the Indiana system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Indiana system shall be operative on and

after January 18, 1960. On that date the authority to number motorboats principally used in the State of Indiana will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Indiana. On and after January 18, 1960, all reports of "boating accidents" which involve motorboats numbered in Indiana will be required to be reported to the Indiana Department of Conservation, Indianapolis, Indiana, pursuant to Chapter 221 of the Acts of the Indiana General Assembly of 1957 and the Indiana rules and regulations for the Numbering of Motorboats and the Reporting of Boating Accidents.

Because § 172.25-15(a) (21), as forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a) (21) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) * * *.

(21) Indiana—January 18, 1960.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: January 26, 1960.

[SEAL] A. C. RICHMOND, Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-942; Filed, Jan. 29, 1960; 8:53 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [7 CFR Part 902]

[Docket No. AO-293-A2]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of prac-

tice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Presidential Arms, Cotillion Room, 1320 G Street NW., Washington, D.C., beginning at 10:00 a.m., e.s.t., on February 8, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Washington, D.C., market-

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed

amendments, hereinafter set forth, and any appropriate modifications thereof. to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Queen City Cooperative Dairy, Inc:

Proposal No. 1. Delete § 902.52 and substitute therefor the following:

§ 902.52 Location differentials to handlers.

For that milk which is received from producers at 'a pool plant located 75 miles or more from the milestone in Washington, D.C., by the shortest hard-

No. 21---5

PROPOSED RULE MAKING

surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk, the Class I price as specified in § 902.50(a) shall be reduced at the rate set forth in the following schedule:

Rate per hundredweight (cents)

Distance (miles):

75_____ For each additional 10 miles or fraction thereof.....

Provided, That, in the case of producer milk transferred (or re-transferred) between plants, and for the purpose of calculating such location differential, the utilization of all producer milk at the final transferee plant shall be prorated to any producer milk which has been so transferred.

§ 902.14 [Amendment]

Proposed by Valley of Virginia Cooperative Milk Producers Association:

Proposal No. 2. Delete § 902.14(a) and substitute therefor the following:

(a) Any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk for fluid use other than as producer milk during any of the preceding months of October through February.

Proposed by Harvey Dairy:

§ 902.30 [Amendment]

Proposal No. 3. Amend § 902.30(a) (1) by adding the following proviso: "Provided. That where milk is collected from a group of producers by bulk tank pick-up truck and the collective weight of milk in the truck is less than the sum of the separately reported quantities for the producers in the group, as determined by stick readings, the shortage shall be proportionately apportioned among the producers in the group, and where the collective weight is greater than the sum of the separately reported quantities, the overage shall be proportionately apportioned among the producers in the group."

Proposed by the Dairy Division, Agricultural Marketing Service:

§ 902.22 [Amendment]

Proposal No. 4. In § 902.22(j) (2) delete "10th" and substitute therefor "11th"; in § 902.84 delete "11th" and substitute therefor "12th"; and in § 902.85 delete "12th" and substitute therefor "13th".

Proposal No. 5. Make such changes as. may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 304 President Washington Building, Arlington Towers, 1011 Arlington Boulevard, Arlington 9, Virginia, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

day of January 1960.

ROY W. LENNARTSON, Deputy Administrator.

[F.R. Doc. 60-924; Filed, Jan. 29, 1960; 8:50 a.m.]

[7 CFR Part 930]

[Docket No. AO-72 A-23]

MILK IN TOLEDO, OHIO, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Toledo, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk. United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FeD-ERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Toledo, Ohio, on December 1, 1959, pursuant to notice thereof which was issued November 19, 1959 (24 F.R. 9430).

The material issues on the record of the hearing relate to:

1. Changing the seasonal pattern of Class I price differential:

2. Using the basic formula price for pricing Class II milk during March through June; and

3. Incorporating a provision in the order for interest on overdue accounts.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Class I price differentials should not be changed.

The Class I price is now determined by adding to the basic formula price \$1.25 for the months of February through July and \$1.65 for all other months. Producers proposed that the Class I differential be \$1.20 for the months of March through June and \$1.60 during all other months. This would increase the monthly average differential from \$1.45

Issued at Washington, D.C., this 27th to \$1.466. The trends in receipts and sales is such that the present level of the Class I differential is appropriate to assure this market an adequate supply of milk to meet fluid milk requirements. For each of the years 1957 and 1958, producer milk receipts were 111 percent of Class I sales. For the first 11 months of 1959 producer milk receipts were 116.4 percent of Class I sales.

The present seasonal pattern of Class I differentials and the resulting seasonal differences in uniform prices to producers have not provided the incentive for producers to adjust their production of milk fully in line with the Class I requirements of the market. It has been necessary for handlers to procure relatively limited supplies of other source milk in periods when production is low seasonally. During the months of March through June 1959 when receipts are highest in relation to sales of fluid milk products, the ratio of producer milk receipts to Class I sales ranged from 123 to 133 percent and averaged 127 percent. During the other seven months of 1959 (prior to the hearing in December) the ratios of producer receipts to Class I sales averaged 110 percent and ranged from 100 to 112 percent. During the past three years there has been a shift in the seasonal pattern of these ratios. Receipts in July have decreased in relation to Class I sales while in March receipts have increased in relation to sales.

The proposed Class I price differential would result in a lower level of Class I prices during the months of March through June and higher prices in February and July, and thus would provide a pattern of pricing to producers that would tend to encourage a supply more nearly in balance with the Class I requirements of the market. The interests of both producers and handlers, however, are best served when the maximum amount of producer milk receipts is disposed of as Class I milk. To change the Class I price differential as proposed would result in the Toledo Class I price being out of alignment seasonally with the nearby Detroit and to a lesser extent with the Northeastern Ohio and North Central Ohio Federal order Class I prices. The major competition for Class I sales outside the marketing area by Toledo handlers is encountered from handlers subject to regulation under the Detroit order. Competition in the pro-curement of the supplies of milk from producers is primarily from the Detroit, North Central Ohio and Northeastern Ohio markets. Although the above mentioned facts with respect to the current seasonal pattern of the utilization of producer receipts is important, it is more important that the proper seasonal alignment of Class I prices be maintained with surrounding markets to promote the optimum utilization of producer milk in Class I uses. The seasonal pattern of the Class I price differential, therefore. should not be changed at this time.

2. The Class II milk price should be the basic formula price during all months of the year.

At present the Class II price for the months of July through February is the higher of the basic formula price or the

average pay price announced for 3.5 percent milk by two local manufacturing plants. In the months of March through June the Class II price is the average of the prices announced by the two local manufacturing plants-Pet Milk Company, Delta, Ohio, and the Defiance Milk Products Company, Defiance, Ohio. The basic formula price is the higher of a butter-nonfat dry milk formula and the average of the basic or field prices announced for 3.5 percent milk by 12 Midwest condenseries. Producers proposed that the basic formula be the Class II price for March through June as is provided for the other months of the year.

During March through June 1958 and 1959 the basic formula price exceeded the Class II price an average of 12.6 and 17.2 cents, respectively. The basic formula price during these months was the average price announced by the Midwest condenseries.

In the present order three manufacturing plants are listed for which price quotations are to be used for establishing the Class II price. One of the listed plants has discontinued operations. One of the remaining plants procures a substantial portion of the Toledo reserve supplies moved to manufacturing plants. The use of only two plants does not provide a sufficiently broad enough base for the establishment of Class II prices in this market.

Cottage cheese and ice cream (Class II products) provide the major outlets for reserve supplies at pool plants. The two local manufacturing plants as well as a manufacturing plant operated by the proponent cooperative association at Angola, Indiana, manufacture principally nonfat dry milk, condensed milk and ice cream mix. These plants pay premiums above their announced prices for ungraded milk received from farmers who are equipped to cool their milk on the farm. Premiums have also been paid to farmers who deliver a certain minimum daily average volume. These premiums range from 15 to 25 cents per hundredweight. These plants also have paid a premium of 10 cents above the Class II price to regulated handlers for reserve supplies of producer milk which have been transferred or diverted to such plants from the Toledo market.

With proper planning it is possible to divert a substantial portion of the reserve supplies of milk directly from producers' farms to local manufacturing plants without increasing the hauling distance or cost of hauling such milk. The association announced its willingness to handle reserve supplies of milk through its own manfacturing plant or by diversion to other manufacturing plants at the proposed Class II price.

A Class II price equal to the basic formula price would result in a level of prices in close alignment with the prices for the corresponding uses of milk in surrounding Federally regulated markets. The proposed Toledo Class II price would have been identical with the Cleveland Class III (manufacturing milk) price in 1958 and 1959. In 1958 and 1959 the Detroit Class II prices averaged \$3.014 and \$3.019, respectively, while the proposed corresponding Class

II prices would have been \$3.009 and \$3.0034. (Official notice is hereby taken of the class prices announced by the market administrators of the Cleveland and Detroit Federal orders for 1958 and 1959 and of the announcements by the Toledo market administrator for November and December 1959.)

The basic formula price reflects the competitive price for manufacturing milk in this area and should be used to establish the Class II price throughout the year.

3. A provision for interest payments on overdue accounts should not be adopted.

The producers' association proposed that the order should provide for interest of one-half percent per month on monies due the cooperative association from handlers starting with the first month or portion thereof that an account is overdue.

The association has not encountered substantial or unusual difficulty in collecting accounts due from handlers. Such payments under the order pertain primarily to marketing service assessments. There was no indication that handlers have not made timely payments to the market administrator for marketing service or administrative expense assessments. A provision for interest payments under the order is not necessary under prevailing conditions in this market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, in-

sure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Toledo, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

- 1. Delete § 930.50(b) and substitute therefor the following:
- (b) Class II milk price. The Class II milk price shall be the basic formula price.
- 2. Delete that portion of § 930.51 which reads: "to paragraph (b) (2) of § 930.50, or"

Issued at Washington, D.C., this 27th day of January 1960.

ROY W. LENNARTSON, Deputy Administrator.

[F.R. Doc. 60-923; Filed, Jan. 29, 1960; 8:50 a.m.]

[7 CFR Part 965]

[Docket No. AO-166-A24]

MILK IN CINCINNATI, OHIO, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Cincinnati, Ohio. marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Cincinnati, Ohio, on December 3, 1959, pursuant to the notice thereof which was published November 24, 1959 (24 F.R. 9430).

The material issues on the record of the hearing relate to:

1. The diversion of producer milk between pool plants, and

2. The elimination of location adjustments applicable to producer milk received at plants within 20-30 miles of Cincinnati.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Provision should be made for limited diversion of producer milk by handlers

between pool plants.

Under the present order the diversion of producer milk is permitted only to nonpool plants. Proprietary handlers may divert producer milk to nonpool plants during any of the months of March through August and a cooperative association may so divert milk during any month of the year. Such diverted milk under specified conditions is deemed to be received at the location of the pool plant from which it is diverted.

The producer bargaining associations proposed that a cooperative association be permitted to divert milk of its producer members between pool plants under certain conditions. It has been necessary for these cooperatives to assume the role of a handler and divert milk during recent months because of the inability of certain pool plants to store normal daily receipts from the cooperative associations' members on "nonbottling" days, such as weekends and holidays. On a few occasions, because of certain emergency situations resulting from strikes, floods and fires, a similar problem existed. Recently the cooperative associations have had to divert milk to nonpool plants on weekends and some of such milk has been needed the next day or so by pool plants. By diversion of the milk to nonpool plants such milk must be treated as other source milk when returned from the nonpool plant to the market.

One pool plant to which milk might be diverted serves as one of the principal handlers of reserve supplies and is a source of additional milk required by bottling plants. Location adjustments apply at this plant. If the temporary reserve supplies are moved to the plant by the cooperative the milk becomes subject to location adjustments because the milk must be reported by the pool plant physically receiving the milk. This creates a problem for the cooperative association because it is put in the position of arbitrarily choosing the producers whose milk will become subject to location adjustments. This also complicates the accounting for the milk and the pay-

ment by the cooperative association of the individual producers whose milk may be received during the same month at plants with location adjustments and those without location adjustments. Furthermore, because of the temporary nature of the need to divert the milk it has not been possible to make adjustment in the farm to plant hauling rates which are charged producers whose milk is diverted even though the distance of the haul may be reduced. Although the cooperative bargaining associations have assumed the responsibility for allocating the milk of its producer members among pool plants in accordance with their requirements for fluid milk, there may be occasions when proprietary handlers also may need to temporarily divert milk to another pool plant. The propriety of permitting a cooperative association to become the handler with respect to milk diverted to pool plants was questioned. In view of the responsibility that is assumed by the cooperative association in moving milk between pool plants and in paying individual producers for their milk, it is appropriate that the cooperative association should be made responsible for reporting such receipts and be accountable to the marketwide pool. This is particularly so in this market because all payments for milk are made through the producer-settlement fund.

In view of the fact that a large proportion of the producer milk in this market is under the control of cooperative associations, there are no serious problems created by providing for limited diversion of milk by both proprietary handlers and cooperatives. The necessity for temporary diversion between pool plants may be accommodated without jeopardizing the allocation of milk among pool plants in accordance with their longer-run requirements and at the same time not permit the diversion privilege to be used as a basis for manipulating the receipts of milk to destroy the economic goals of location adjustments. This should be accomplished by limiting diversions between pool plants to two consecutive days of delivery of the milk of an individual producer and further limiting such diversions within a single month to not more than a total of 10 days of delivery.

The order now provides for a shrink-

The order now provides for a shrinkage allowance on diverted milk to the handler who diverts the milk. Because any shrinkage will be associated with the receipt and handling of the milk, the shrinkage allowance on milk diverted between pool plants should accrue to the plant which physically receives the milk. The shrinkage provision of the order should be changed accordingly.

2. No location adjustments should be applicable to producer milk received at plants located less than 30 miles from Cincinnati.

At the present time the Class I and uniform prices are reduced four cents by a location adjustment on producer milk received at plants located more than 20 but less than 30 miles from the City Hall in Cincinnati. Prior to May

1, 1959, no location adjustments applied to plants located less than 45 miles from Cincinnati. The present schedule of location adjustments was intended to align Class I prices under the Cincinnati order on a graduated basis with prices under the nearby Dayton-Springfield order. The adjustment of prices in this The adjustment of prices in this nearby area have caused difficulties for the cooperative associations. Some of the producer members located in or near these close-in areas furnish milk directly from the farm to plants in the 20-30 mile zone and others in the same area to Cincinnati plants at which no location adjustments apply. Premiums have been paid on a substantial portion of the milk delivered by producers to plants in the 20 to 30 mile zone. Handlers who have paid the f.o.b. marketing area blend prices and have some Class II and Class III utilization have increased their relative cost of milk in relation to other handlers with primarily Class I utilization. This is true also in relation to the costs of handlers who have some Class II and Class III utilization at plants at which no location adjustments apply.

The removal of the location adjustment at plants within the 20-30 mile zone will not affect the relationship of prices at other plants subject to the Cincinnati order located in or near the Dayton-Springfield area. There was no objection to the proposed elimination of location adjustments in the 20-30 mile zone.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the

minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respect classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order: The following order amending the order, regulating the handling of milk in the Cinnati, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended;

- 1. Delete § 965.10(c) and substitute therefor the following:
- (c) If from a dairy farmer whose milk previously has been received at a pool plant, is either (1) diverted during any of the months of March through August to a nonpool plant for the account of a handler as defined in § 965.11(a) (1); (2) diverted during the month to a nonpool plant for the account of a handler as defined in § 965.11(b); or (3) diverted during the month from a pool plant to another pool plant for the account of a handler as defined in § 965.11 (a) (1) or (b) for not more than two consecutive days of delivery and not more than 10 days of delivery during the month.
- 2. In § 965.11(b) delete "to a nonpool plant".
- 3. In § 965.12(b) delete "to a nonpool plant" as it appears therein preceding the proviso.
- 4. Delete § 965.42(b) and substitutetherefor the following:
- (b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in producer milk (including producer milk physically received as diverted milk from another pool plant and excluding producer milk diverted to another pool plant) and other source milk received in the form of a fluid milk product in bulk.
- 5. From the schedules in §§ 965.53 and 965.75 delete "More than 20 but less than 30_____4.0".

Issued at Washington, D.C., this 27th day of January 1960.

ROY W. LENNARTSON, Deputy Administrator.

[F.R. Doc. 60-921; Filed, Jan. 29, 1960; 8:50 a.m.]

[7 CFR Part 1018]
[Docket No. A0-286-A2]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing order (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Southeastern Florida marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 7th day after publication of this decision in the Federal Register. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Fort Lauderdale, Florida, on October 5 and 6, 1959, pursuant to notice thereof which was issued September 21, 1950 (24 Fig. 1702)

1959 (24 F.R. 7703).

The material issues on the record of the hearing relate to:

- 1. Definition of producer;
- 2. Price for Class I milk;
- 3. Classification and price for milk dumped;
- 4. Classification of diverted and transferred milk, shrinkage, and inventories;
- 5. Base-excess plan; and
- 6. Miscellaneous and conforming changes.
- (a) Definition of Chicago butter price;(b) Establishment of milk weights or measurement;
 - (c) Advance payments; and

(d) Adjustment of overdue accounts. Findings and conclusions. The findings and conclusions relative to issues 1, 2, 3, 4 and 6 are reserved for a later decision pending further study of the hearing record. The following findings and conclusions on the base and excess plan are based on evidence presented at the hearing and the record thereof:

5. Base-excess plan. The application of the base-excess plan should be changed so that producers will earn their base during the months of August through December rather than August through January. Changes should be made in the calculation of bases for new producers, and in the rules for transfer of bases.

During the base earning months of August through January there is an incentive for producers to increase production for the purpose of earning a high base to apply in the subsequent months. During the same months there is a seasonally rising trend in fluid milk consumption in this market, reaching the highest level within the January-March period. Subsequently there is normally a rapid seasonal decline in the Class I sales during spring months. The Producer's Association testified that producers will be better able to adjust their production in anticipation of this reversal in the sales pattern if the base earning period ends with December rather than January.

The change proposed by producers would favor a better seasonal adjustment of production to market needs. Producers have tended to delay their production changes in spring months beyond the time when the seasonal decline in Class I sales occur. Part of this may be due to the earning of bases during months when Class I sales and production are higher than in the subsequent spring months. Removal of January from the base earning period will thus tend to reduce the average size of bases earned and bring bases into a better relationship with subsequent seasonal changes in Class I sales.

The order contains a provision that a new producer who has not earned a base during the August—January period, or a producer who has earned such base and elects to relinquish it, may have his base computed for each month as 75 percent of his milk deliveries. In a considerable number of cases there has been more advantage to a producer to elect a base equal to 75 percent of his deliveries then to depend on his earned base. This has been particularly true of producers who have increased their production.

The option of a percentage of production as a base is intended to allow new producers to obtain a base without waiting until they have produced milk during an entire base earning period. It also serves to provide an alternative base for any producer whose production has been reduced accidentally during the base earning period. This provision, however, has materially reduced the effectiveness of the base plan since it provides much less incentive to adjust production than does an earned base. Some producers have expanded their production during and after the base earning period to the extent that 75 percent of their production exceeds their respective earned bases.

In order for the base plan to operate effectively, to equitably apportion the total value of milk among producers on the basis of their marketings during a representative period of time, as provided in the Act, the base available to new producers and as an alternative to producers who have earned a base, should be a percentage of their deliveries in each month as set forth in the following schedule:

cent February March April 50 May June ______ August September _____ October____ November_____ December____

. Per-

These percentages, which were proposed by the producer association, will adjust seasonally the optional base (and similarly the base for new producers) to the normal seasonal changes in fluid market requirements. As a result, such percentage bases will more nearly represent an equitable sharing in the market as compared to producers who rely on their earned bases.

The effectiveness of the base plan has also been circumvented by methods such as the division of milk production on a farm between two members of a family so that one member may receive payment on the earned base and the other member receive payment on a base assigned under the provision for new producers at 75 percent of his milk deliveries. Under such an arrangement the deliveries'may be apportioned so as to achieve a greater percentage of base milk under the two names than if all milk deliveries for the farm were under one name. This is a further reason for establishing percentage bases as shown in the preceding schedule. Also to prevent manipulation of bases in the case of deliveries from the same farm under two or more names, it should be provided that the base or bases assigned to persons who are producers using the same production facilities shall not exceed the base assignable if a single person were supplying milk from these production facilities. The term production facilities would include milking barns and land.

A person who has transferred an earned base may not acquire a percentage base until after the next base earning period. The intent of this provision will be made more definite by stating that a producer who transfers his earned base may not acquire a percentage base until after the end of the period to which the transferred base applies.

It should be provided that a base may be divided among members of a partnership or among members of the immediate family of a base holder. All changes which a producer or producers may desire in their base, including transfers, division and election of a percentage base, will require a written request to the market administrator, clearly setting forth the change requested. Such a request should be submitted prior to the effective date of the change, on forms prescribed by the market administrator.

The proposal made by producers that a producer should have the election of retaining his base earned for the preceding base payment period is adopted as an additional recourse for producers whose production has been reduced by accidental circumstances during the most recent base earning period.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Southeastern Florida marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Delete §§ 1018.90, 1018.91 and 1018.92 and substitute the following:

§ 1018.90 Computation of daily base for each producer.

Subject to the rules set forth in § 1018.91, a daily base, effective for 12 months beginning February 1 of each year, shall be computed for each producer by dividing the total pounds of milk received from such producer at all pool plants during the base earning months of August through December immediately preceding by the number of days beginning with the first day of delivery by such producer during such months through the last day of December, inclusive, or by 120, whichever is greater: Provided, That any producer who, during the preceding months of August through December, delivered his milk to a nonpool plant which subsequently became a pool plant shall be assigned a base in the same manner calculated from his deliveries during such August-December period to such plant: And provided further, That for the period beginning with March 1, 1960. and through January 31, 1961, the daily base for each producer shall be computed by dividing the total pounds of milk received from such producer at all pool plants during the base earning months of August 1959 through January 1960. inclusive, by the number of days from the first day of delivery during such months through the last day of January, or by 150, whichever is greater, subject also to the first proviso of this section applied to the August 1959 through January 1960 period instead of the August-December period.

§ 1018.91 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1018.90 to each person for whose account milk was delivered to plants as described in § 1018.90 during the months of August through December (August through January for bases effective March 1, 1960): Provided, That any producer who has not earned a base pursuant to § 1018.90 or any producer who elects to relinquish such base by giving written notice to the market administrator, shall be assigned a base each month equal to the percentage of his deliveries specified in the following schedule:

February	50
March	50
April	50
May	55
June	55
July	60
August	70
September	70
October	65
November	60
December	55
January	55

- (b) Assignment and transfer of any base shall be subject to the following
- (1) An entire base (except one computed pursuant to the proviso of paragraph (a) of this section) may be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: Provided, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders, or their heirs, and by the person to whom such base is to be transferred.
- (2) If milk received as producer milk under the name of more than one person is produced on, in, or by use of the same milking barns or premises, the base or bases assigned to such persons as producers shall not exceed the base assignable if such milk were produced by one person using the same facilities.
- (3) A base may be divided among members of a partnership, or among

members of the immediate family of the baseholder, such division to be effective as of the end of any month during which an application for such division is received by the market administrator on forms approved by the market administrator and signed by persons making such division.

(4) A person who has transferred a base computed from milk deliveries to pool plants during a base earning period may not have a base assigned to him on a percentage of his deliveries pursuant to the proviso of paragraph (a) of this section until after the end of the period to which the transferred base applies.

(5) A producer who has made milk deliveries to pool plants during the immediately preceding base earning period may elect to have his base computed from his milk deliveries to pool plants in the second preceding base earning period, if he so notifies the market administrator prior to the month in which such election will apply.

§ 1018.92 Announcement of established

On or before January 25th of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the producer's daily base to be effective for the 12-month period, beginning February 1 of such year: *Provided*, That for the period March 1960 through January 1961, each producer's base shall be announced on or before February 25, 1960.

Issued at Washington, D.C., this 27th day of January 1960.

ROY W. LENNARTSON, Deputy Administrator.

[F.R. Doc. 60-922; Filed, Jan. 29, 1960; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 289]

[Economic Reqs. Docket No. 11107]

EXEMPTION FROM THE FILING REQUIREMENTS

Notice of Proposed Rule Making

JANUARY 27, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 289 of the Economic Regulations which would exempt certain air carriers from the filing requirements of section 412(a) of the Federal Aviation Act of 1958 with respect to certain minor and routine agreements.

The principal features of the proposed regulations are explained in the explanatory statement set forth below and the proposed new part is set forth in the proposed rule set forth below. This regulation is proposed under authority of sections 204(a) and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 771; 49 U.S.C. 1324, 1386).

Interested persons may participate in the proposed rule making through submission of seven (7) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before March 1, 1960 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after March 3, 1960 for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board:

[SEAL]

MABEL McCart, Acting Secretary.

Explanatory statement. Section 412(a) of the Federal Aviation Act of 1958 requires air carriers which are parties to certain contracts or agreements affecting air transportation to file copies thereof with the Board.

Experience has shown that many of the agreements filed are of such a routine nature that their review by the Board accomplishes little toward the effective regulation of the air carriers. It also appears that to require the air carriers to file such agreements may be an undue burden on such air carriers and not in the public interest within the meaning of section 416(b) of the Act. Accordingly, the Board proposes herein to exempt scheduled certificated air carriers from the filing requirement of section 412 in respect of certain agreements.

The Board believes that initially the exemption should be limited and that any expansion thereof should be based on experience. Therefore, the proposed regulation would exempt certificated route air carriers from the filing requirements with respect to agreements between any two scheduled certificated air carriers or between one scheduled certificated air carrier and one foreign air carrier (1) which do not involve specific fees or charges in the aggregate of more than \$20,000; (2) which do not involve "affiliated carriers" as that term is defined in Part 261; and (3) which do not involve amendments to agreements which themselves would be ineligible for exemption under this regulation. Multilateral agreements would not come within the scope of the proposed exemption.

This proposed regulation does not apply to supplemental air carriers, irregular air carriers, air taxi operators or indirect air carriers. No antitrust immunity under the provisions of section 414 of the Act would be conferred on parties to agreements not filed and the carriers are expected to continue to file agreements of any antitrust significance.

§ 289.1 Definitions.

For the purpose of this part:

(a) "Certificated route air carrier" means any air carrier which holds a certificate of public convenience and necessity issued under section 401 of the Act authorizing unlimited regularly scheduled route service between points named in such certificate.

§ 289.2 Agreements which need not be filed.

Certificated route air carriers shall be exempt from the provisions of section

412(a) of the Federal Aviation Act with respect to any agreement between two such air carriers, or between such an air carrier and a foreign air carrier, which, by its terms, provides only for the furnishing of facilities, ground equipment, services or building and ground space, except when:

(a) Such agreement is between carriers "affiliated" within the meaning of that term as it is used in Part 261 of this subchapter; or

(b) Such agreement provides for specific fees or charges that in the aggregate exceed \$20,000 per year; or

(c) Such agreement amends an existing agreement which itself would be ineligible for exemptions under this part.

§ 289.3 Effect of exemption.

The exemption granted by this part shall not be deemed to constitute an "order made under sections 408, 409 and 412" within the meaning of section 414 of the Act,

[F.R. Doc. 60-967; Filed, Jan. 29, 1960; 8:56 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 260]

CALLAIR

Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection for cracks on the engine mount of certain CallAir aircraft. If cracks are found, replacement

or repair is required. . Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 2, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following airworthiness directive:

Callair. Applies to all Callair Models A-4, A-4 Modified, A-5 up to and including Serial Number 202 and A-6 aircraft Serial Numbers 202, 244, 248, 252, 262, 264, 268, 269, 270 and 271.

Compliance required not later than May 15, 1960, and at each 50 hours time in service

thereafter.

Due to reports of cracks and separation of the lower diagonal brace member on the engine mount the following inspection shall the conducted.

be conducted. Visually inspect the lower diagonal brace member of the engine mount especially in the area of the gusset plates at the ends of the members. If cracks are found, replace with CallAir redesigned mount, P/N 6-11-4A, or repair in accordance with the method outlined in CallAir Service Bulletin No. 7; or equivalent. After replacement with P/N 6-11-4A or repair, this special inspection may be discontinued.

(CallAir Service Bulletin No. 7 covers this

same subject.)

Issued in Washington, D.C., on January 25, 1960.

B. PUTNAM, Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-886; Filed, Jan. 29, 1960; 8:45 a.m.]

I 14 CFR Part 600]

[Airspace Docket No. 59-WA-238]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6004 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 4 presently extends in part from Lexington, Ky., to Charleston, W. Va. The Federal Aviation Agency has under consideration modification of this segment of Victor 4 by realigning it from the Lexington VOR via a VOR to be installed approximately July 15, 1960, near Newcombe, Ky., at latitude 38°09′30′′ N., longitude 82°54′ 37" W., thence to the Charleston VOR. This modification would provide more precise navigational guidance on this segment. The control areas associated with Victor 4 are so designated that they would automatically conform to the modified airway. Accordingly, no amend-ment to such control areas would be necessary.

If this action is taken, the segment of VOR Federal airway No. 4 between Lexington, Ky., and Charleston, W. Va., would be designated via Newcombe, Ky.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the Federal Register will be considered before action is taken on

the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief. or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on January 25, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-895; Filed, Jan. 29, 1960; 8:47 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-FW-55]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6097 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 97 extends in part from Albany, Ga., to Knoxville, Tenn., including an east alternate from Atlanta, Ga., to Knoxville. The Federal Aviation Agency has under consideration the redesignation of the main airway segment from Albany to Knoxville and the designation of an east alternate from Albany to Atlanta. The Albany-Knoxville segment of Victor 97 would be designated from Albany via the intersection of the Albany VOR 350° and the Atlanta VOR 179° True radials, Atlanta VOR, the intersection of the Atlanta VOR 009° and the Knoxville VOR 197° True radials to Knoxville. The east alternate from Albany to Atlanta would be designated via the Albany VOR 010° and the Atlanta VOR 164° True radials. These modifications are part of a plan to revise and increase the air traffic flow capabilities in the Atlanta terminal area. The east alternate from Albany to Atlanta would provide a dual airway system between Albany and Atlanta. The control areas associated with Victor 97

are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

If this action is taken. VOR Federal airway No. 97 would be redesignated between Albany, Ga., and Knoxville, Tenn., via the intersection of the Albany VOR 350° and the Atlanta VOR 179° True radials, the Atlanta, Ga., VOR, including an east alternate from Albany to Atlanta via the intersection of the Albany VOR 010° and the Atlanta VOR 164° True radials; intersection of the Atlanta VOR 009° and the Knoxville VOR 197° True radials; Knoxville VOR, including an east alternate from Atlanta to Knoxville via the Norcross, Ga., VOR and the intersection of the Norcross VOR 014° and the Knoxville VOR 175° True radials to Knoxville.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief. Air Traffic Management Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-892; Filed, Jan. 29, 1960; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-KC-84]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13.

24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6191 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 191 presently extends, in part, from Chicago, Ill., to Milwaukee, Wis. The Federal Aviation Agency has under consideration the modification of the segment of Victor 191, which is presently designated via the Chicago (O'Hare) VOR 019° and the Milwaukee VOR 137° True radials, by realigning it via the Chicago (O'Hare) VOR 019° and the Milwaukee VOR 121° True radials. This realignment would provide a route for air traffic departing Milwaukee to Chicago which would bypass the General Mitchell Field, Milwaukee, ILS south course, thus reducing interference with inbound air traffic to General Mitchell Field. The control areas associated with Victor 191 are so designated that they would automátically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

If this action is taken, the segment of VOR Federal airway No. 191 between Chicago, Ill., and Milwaukee, Wis., would be redesignated via the Chicago (O'Hare) VOR 019° and the Milwaukee VOR 121° True radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency. Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-893; Filed, Jan. 29, 1960; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-LA-11]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6612 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 1512 is presently designated in part from Los Angeles, Calif., to Russell, Kans. Federal Aviation Agency has under consideration modification of this segment of Victor 1512 by realigning it from the Los Angeles VOR via the Ontario, Calif., VOR: intersection of the Ontario VOR 091° and the Twenty-Nine Palms, Calif., VOR 244° True radials; Twenty-Nine Palms VOR; Needles, Calif., VOR; inter-section of the Needles VOR 077° and the Drake, Ariz., VOR 274° True radials; Drake VOR; Winslow, Ariz., VOR; a VOR to be installed approximately April 7, 1960, near Crownpoint, N. Mex., at latitude 35°53'00" N., longitude 108°15'28" W.; a VOR to be installed approximately April 7, 1960, near Taos, N. Mex., at latitude 36°38'21" N., longitude 105°55'33" W.; Tobe, Colo., VOR; Garden City, Kans., VOR to the Russell, Kans., VOR. The modification of this segment of Victor 1512 between Los Angeles, Calif., and Russell, Kans., is a portion of a plan to develop a preferential route system to expedite the flow of air traffic operating at intermediate altitudes betwen the San Francisco/Los Angeles, Calif., and the Kansas City, Mo./Chicago, Ill., terminal The control areas and positive control route segments associated with this segment of Victor 1512 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment to such control areas and positive control route segments would be necessary.

If this action is taken, the segment of VOR Federal airway No. 1512 from Los Angeles, Calif., to Russell, Kans., would be designated via Ontario, Calif.; intersection of the Ontario VOR 091° and the Twenty-Nine Palms, Calif., VOR 244° True radials; Twenty-Nine Palms, Calif.; Needles, Calif.; intersection of the Needles VOR 077° and the Drake, Ariz.; VOR 274° True radials; Drake, Ariz., Winslow, Ariz.; Crownpoint, N. Mex.; Taos, N. Mex.; Tobe, Colo.; Garden City, Kans.; to Russell, Kans.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with

Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on January 25, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-894; Filed, Jan. 29, 1960; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-347]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6614 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 1514 presently extends in part from Lamar, Colo., to Russell, Kans. The Federal Aviation Agency is considering the modification of Victor 1514 segment between the Lamar VOR and the Russell VOR by realigning the airway via the Garden City, Kans., VOR. This modification would provide more precise navigational guidance along this airway. The control areas associated with Victor 1514 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment to such control areas would be necessary.

If this action is taken, the segment of VOR Federal airway No. 1514 between Lamar, Colo., and Russell, Kans., would be redesignated via Garden City, Kans.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within fortyfive days after publication of this notice in the Federal Register will be considered before action is taken on the pro-

posed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 25, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-896; Filed, Jan. 29, 1960; 8:47 a.m.]

[14 CFR Part 601 1 ·

[Airspace Docket No. 59-KC-71]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1278 of the regulations of the Administrator, the substance of which is stated below.

The Des Moines, Iowa, control area extension is presently designated within a 25-mile radius of the Des Moines radio range station in the northwest and northeast quadrants of the radio range. The Federal Aviation Agency has under consideration the modification of the Des Moines control area extension by redesignating the area based on the Des Moines VOR, and by designating additional controlled airspace from the Newton, Iowa, VOR via the Newton VOR 209° True radial to the Des Moines 25mile radius control area extension, to provide protection for aircraft proceeding from the Newton VOR to the Des Moines ILS localizer southeast course.

If this action is taken, the Des Moines control area extension would be designated as that area north of VOR Federal airway No. 6 within a 25-mile radius of the Des Moines, Iowa, VOR and within 5 miles either side of the Newton, Iowa, VOR 209° True radial, extending from the Des Moines 25-mile radius control area extension to the Newton VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 4825 Troost Avenue,

Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization-Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 25, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-888; Filed, Jan. 29, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-KC-85]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1311 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering enlarging the Oscoda, Mich., control area extension by adding controlled airspace southwest of the Wurtsmith AFB, Oscoda, Mich., to include the area 5 miles either side of the Wurtsmith AFB TACAN 234° True radial extending from the TACAN to a point 46 miles southwest. The Wurtsmith AFB TACAN is located on the airbase at latitude 44°27'27'' N., longitude 83°22'27'' The present control area extension includes the airspace within a 30-mile radius of Wurtsmith AFB, Oscoda, Mich., and the airspace centered on the 266° True radial of the Wurtsmith TVOR extending from a point 5 miles west of the airbase to a point 32 miles west of the airbase and having a width of 1 mile on the north side and 2.3 miles on the south side of the 266° True radial at a point 5 miles west of the airbase and expand-

ing to a width of 4.6 miles at a point 32 miles west of the airbase. The addition of controlled airspace to the present Oscoda control area extension would provide protection for aircraft landing at Wurtsmith AFB using the prescribed instrument approach procedure based on the Wurtsmith TACAN.

If this action is taken, the Oscoda, Mich., control area extension would be described as the airspace within a 30mile radius of Wurtsmith AFB, Oscoda, Mich., within 5 miles either side of the Wurtsmith AFB TACAN 234° True radial extending from the TACAN to a point 46 miles southwest, including the airspace centered on the 266° True radial of the Wurtsmith TVOR extending from a point 5 miles west of the airbase to a point 32 miles west of the airbase and having a width of 1 mile on the north side and 2.3 miles on the south side of the 266° True radial at a point 5 miles west of the airbase and expanding to a width of 4.6 miles at the point 32 miles west of the airbase. The portion of the control area extension which lies within the geographical limits of, and between the designated altitudes of, the Upper Lake Huron Restricted Area (R-491) are excluded during the time of use of the restricted area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is con-templated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25. D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-889; Filed, Jan. 29, 1960; 8:46 a.m.]

[-14 CFR Parts 600, 601]

[Airspace Docket No. 59-FW-60]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6241 and 601.6241 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 241 is presently designated in part from Columbus, Ga., to Atlanta, Ga., via the intersection of the Columbus VOR 018° and the Atlanta VOR 233° True radials. The Federal Aviation Agency is considering redesignating Victor 241 from the Columbus VOR direct to the Atlanta VOR and designating a west alternate from Columbus VOR to Atlanta VOR via the intersection of the Columbus VOR 011° True and the Atlanta VOR 233° True radials. This is part of a plan to improve the air traffic control flow capabilities in the Atlanta terminal area by providing a direct airway for aircraft operating between Columbus and Atlanta and an alternate airway between these points for climbing and descending aircraft.

If this action is taken, the segment of VOR Federal airway No. 241, under consideration, would be designated from Columbus, Ga., direct to Atlanta, Ga., including a west alternate with associated control areas via the Columbus VOR 011° and the Atlanta VOR 233° True radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on January 25, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-890; Filed, Jan. 29, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-82]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a new airway, VOR Federal airway No. 479, from Wind Lake, Wis., to Milwaukee, Wis. This airway would be designated from the intersection of the Milwaukee VOR 161° and the Janesville, Wis., VOR 076° True radials to the Milwaukee VOR. Designation of Victor 479 would provide a transition route for air traffic from the west to an inbound holding fix serving the General Mitchell Field, Milwaukee, ILS localizer south course.

If this action is taken, VOR Federal airway No. 479, with associated control areas, would be designated from the Wind Lake, Wis., Intersection, to Milwaukee, Wis.

Interested persons may submit such written data, views. or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25. D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 25, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-891; Filed, Jan. 29, 1960; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-FW-31]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.502 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 2 presently extends in part from New Orleans, La., to Crestview, Fla. The Federal Aviation Agency has under consideration redesignation of this jet route segment to approximate the alignment of L/MF jet route No. 2 between these terminals. This would simplify the jet route structure, thereby facilitating air traffic management and flight planning.

If this action is taken, the segment of VOR/VORTAC jet route No. 2 under consideration would extend from the New Orleans, La., VOR via the intersection of the New Orleans VOR 071° and the Crestview, Fla., VOR 259° radials; to the Crestview VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on January 25, 1960.

D. D. Thomas, Director, Bureau of Air Traffic Management.

F.R. Doc. 60-887; Filed, Jan. 29, 1960; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-NY-6]

RESTRICTED AREAS Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.18, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.54 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has un-

der consideration a proposal by the National Aeronautics and Space Administration for modification of the Chincoteague Inlet, Va., Restricted Area (R-45), by reducing its size and designating the NASA Wallops Island Station as the controlling agency. The Chincoteague Inlet Restricted Area is an area of 143 square miles on the coast in the eastern part of Virginia. It was designated for ordnance test and research, controlled by the NAOTS, Chincoteague, Va., for use at all altitudes and during all hours each day. The Department of the Navy has advised that all operations at the Chincoteague Naval Air Station have been discontinued and that there is no longer a Navy requirement for the Chincoteague Inlet Restricted Area (R-45). The National Aeronautics and Space Administration, Wallops Island, Research Station, which is located within the Chincoteague Inlet Restricted Area has requested the designation of a restricted area into which it can launch rockets and missiles. The primary mission of the NASA Wallops Station is that of providing basic research data necessary for the design of advanced missiles, aircraft and space craft. The Wallops Station range permits this research to be conducted without interference with major missile development and without the high cost associated with major range operations. Currently planned research by the Wallops Station will require use of newer types of rockets and missiles varying from single stage to six-stage vehicles, to obtain higher speeds and altitudes. Range instrumentation coordination problems associated with this research frequently becomes complex. On some long range launches, specialized facilities of other agencies are used in support of Wallops Station. As many as seven remote facilities at various locations are often involved, thus making this phase of the coordination problem complex in itself. Present coordination procedures involve the surveillance of impact areas for shipping and fishing boats as well as the coordination of oceanic air traffic for long range rocket

launches beyond the presently utilized restricted area. The coordination workload in the oceanic air traffic is normally handled under the controlled firing area concept since enough advance information on oceanic air traffic is available to allow launch times to be selected and coordinated. In all but an occasionally isolated case, the trajectories of the rockets launched are such that the impact areas lie within the confines of the presently utilized restricted area and adjacent warning areas along the coast. Due to the potential hazards to aircraft caused by the maximum velocities and altitudes attained by the rockets, as well as those hazards caused by the debris from a destroyed rocket when command destruction procedures are employed, it is imperative that the position of all air traffic be known. Attempts to determine this within the airspace encompassed by the presently utilized restricted area, as would be required under a controlled firing area concept, would overburden the Wallops Station with impracticable coordination requirements to the extent that rocket firings at times would be practically impossible. The required use time of this restricted area is 24 hours per day. Although most long range firings take place in the early morning hours, many launches are for scientific data which must be collected at a specific time. The Federal Aviation Agency, in consideration of the proposals contained herein, proposes to modify the Chincoteague Inlet Restricted Area (R-45) by reducing its size to an area of approximately 100 square miles and designate the controlling agency as the NASA, Wallops Station, Chincoteague,

If this action is taken, the Chincoteague Inlet, Va., Restricted Area (R-45) (Washington and Norfolk Charts) would be designated as follows:

Description by geographical coordinates. Biginning at Lat. 37°56'45" N., Long. 75°27'30" W., thence southeast to the west boundary of the Chincoteague-Virginia Cape Warning Area (W-108) at Lat. 37°51'30" N., Long. 75°17'30" W., thence southwest along the west boundary of warning area (W-108) to a point at Lat. 37°39'00" N., Long. 75°31'20" W., thence north to Lat. 37°50'24" N., Long. 75°31'20" W., thence northeast to the point of beginning.

Designated altitudes. Unlimited. Time of designation. Continuous.

Controlling agency. National Aeronautics and Space Administration, Wallops Island Station, Chincoteague, Va.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public. hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on January 25, 1960.

D. D. THOMAS, Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-897; Filed, Jan. 29, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

. [47, CFR Part 3]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN THE STANDARD BROADCAST BAND

Order Extending Time for Filing Comments

- 1. The Commission has before it for consideration a Motion filed on January 14, 1960, by the Clear Channel Broadcasting Service (CCBS) requesting that the time for filing comments in the above-entitled proceeding be extended from February 19, 1960, to May 20, 1960.
- 2. CCBS states the additional time is needed for the preparation and analysis of technical data and comments thereon. Daytime Broadcasters Association, Inc., Harvey Radio Laboratories, Inc., and William H. Buckley tr/as Tri-Counties Broadcasting Company oppose the Motion and seek to avoid further delay which would have the effect of prolonging the freeze on applications for use of clear channels under § 1.351 of the rules.
- 3. Upon consideration of the views presented the Commission believes that the public interest would be served by extending for six weeks the time within which comments may be filed.
- 4. The Commission is most reluctant to permit any further delay in terminating this long-standing proceeding. CCBS has heretofore been granted a 90-day extension of time and that, together with the additional six weeks granted herein, should prove adequate for the preparation of meaningful comments.
- 5. Accordingly, the request is granted in part: And it is ordered, This 21st day of January 1960, that the time for filing comments herein is extended from February 19, 1960, to April 1, 1960; and that

extended from March 21, 1960, to May 2,

Adopted: 21 January 1960. Released: January 25, 1960.

> FEDERAL COMMUNICATIONS COMMISSION,

MARY JANE MORRIS. [SEAL] , Secretary.

[F.R. Doc. 60-952; Filed, Jan. 29, 1960; 8:55 a.m.l

[47 CFR Parts 7, 8, 9, 10, 11, 16, 19]

[Docket No. 13083]

GRANT OF APPLICATIONS FOR THE USE OF MICROWAVE FREQUEN-CIES FOR PRIVATE COMMUNI-CATIONS SYSTEMS, EXCLUDING **BROADCASTERS**

Technical Standards

There being under consideration a letter and attachments thereto filed by Electronic Industries Association (EIA) on January 19, 1960,1 containing certain information and recommendations as to bandwidths, frequency channels and other technical criteria relating to the above-captioned rule-making pro-

It appearing that on September 24, 1959, EIA filed timely comments in this proceeding in which it requested, among other things, that the Commission defer rule-making with respect to bandwidth until such time as an EIA Engineering Ad Hoc Committee assigned to consider such matter had concluded its work thereon:

It further appearing that the time for filing comments in such rule-making proceeding has now expired;

It further appearing that in the abovedescribed letter dated January 19, 1960. EIA states that it has now progressed to the point where its recommendations may be made to the Commission covering the several aspects of this problem;

It further appearing, that EIA avers that it is necessary to distinguish between the occupied and necessary bandwidths referred to in the Commission's rules and standards and the empirical relationships between such bandwidths; and that the physical parameters need to be determined in order that an appropriate channel bandwidth be recommended;

It further appearing that the EIA letter and attachment define the terms occupied, necessary, and channel bandwidth and develop empirical formulas for their determination; discuss the relationships between the various bandwidths; and make recommendations as to channel bandwidths and frequency assignments:

It further appearing that based upon the foregoing, EIA has now recommended channel bandwidths and footnotes

the time for filing reply comments is thereto for the specified frequency bands as follows:

Frequency band (Mc)	Recom- mended for adop- tion, Docket 13083	5 years after adoption, Docket 13083
952.0-952.6	100 Kc 4 100 Kc 2 8 Mc 2 8 Mc 2 8 Mc (6) 28 Mc (6) 20 Mc (6) 50 Mc (6)	100 Kc 4 100 Kc 2 8 Mc 2 8 Mc (9) 2 8 Mc (9) 2 10 Mc (6) 2 25 Mc (6)

2Additional channel bandwidths may be authorized

and thomat channel bandwitths may be authorized upon a factual showing of need therefor.

Additional channel bandwidths may be authorized upon a factual showing of need therefor; however, bandwidths in excess of 500 Ke will not be authorized.

To be specified in authorization.

It further appearing that the data furnished herein are pertinent to the consideration of this matter and would be helpful to the Commission in the resolution thereof, and that an extension of

time is considered necessary and would

be in the public interest;

It is ordered, This 26th day of January 1960, pursuant to the provisions of section 0.291(b) (4) of the Commission's Statement of Delegations of Authority, that the above-mentioned request of EIA for an extension of time in which to file comments and recommendations as to bandwidth and related matters pertinent to the rule-making proposal herein is granted and that the above-described letter and attachments of EIA filed January 19, 1960, are accepted;

It is further ordered, That interested parties who desire to file comments or replies thereto may file such comments or replies within twenty days from the date of release of this order.

Released: January 27, 1960.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS. Secretary.

[F.R. Doc. 60-953; Filed, Jan. 29, 1960; 8:55 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 181]

[No. 32156]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF **PASSENGERS**

Amortization of Intangibles

JANUARY 4, 1960.

Notice is hereby given that the Interstate Commerce Commission has under consideration amendment of the accounting regulations (49 CFR Part 181) applicable to motor carriers which will require that the amount initially includible under existing rules in account 1550,

Other Intangible Property, for intangibles, at the time a motor carrier system or portion thereof constituting a distinct operating unit is acquired, shall be amortized over a maximum period of 10 years by charges to income account 7500, Other Deductions, except that the amount shall be amortized at an accelerated rate or written off immediately as the Commission may authorize or direct. The principle features of the proposed amendment are set forth in greater detail in the explanatory statement below.

So that the Commission may be fully advised in this matter, all interested persons are invited to submit on or before February 29, 1960, written views or suggestions and may request oral argument or public hearing.

This notice will be served on all Class I common and contract motor carriers of passengers, and notice will be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Federal Register Division.

Explanatory statement. Under the present rules when a distinct operating unit, which may consist of operating rights and tangible property, such as terminals, equipment, and other facilities or operating rights only, is acquired from another motor carrier, the tangible assets acquired together with liabilities assumed are includible in the appropriate accounts at the amounts reflected on the books of the transferor. The portion of the cost of acquisition not includible in the accounts for the tangible assets or for liabilities is includible in account 1550, Other Intangible Property.

The present practice is to require amortization or immediate write-off of intangibles in the Commission's orders approving acquisition of such property. Under the provisions of the amended rule as herein proposed, requirement for such procedure is to be incorporated into the uniform system of accounts as a rule of general application.

Amendment of the rules. It is proposed to revise and amend the uniform system of accounts (49 CFR Part 181) in the following respects:

Amortization of intangibles. Add the following new and additional section:

§ 181.02-31 Amortization of intangibles.

Amounts included in account 1550, Other Intangible Property, shall be amortized over a maximum period of 10 years commencing with the date of consummation of the transaction by equal monthly charges to account 7500, Other Deductions, with corresponding credits to account 2600, Reserve for Amortization-Carrier Operating Property, except that the amount shall be amortized at an accelerated rate or written off immediately as the Commission may authorize or direct.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-931; Filed, Jan. 29, 1960s 8:52 a.m.]

¹ Such letter and attachments are available for inspection in the Commission's Public Reference Room (Room 7013) in the New Post Office Building, Washington, D.C.

PROPOSED RULE MAKING

[49 CFR Part 182]

[No. 32155]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COM-MON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Depreciation and Amortization; Amortization of Intangibles

JANUARY 4, 1960.

Notice is hereby given that the Interstate Commerce Commission has under consideration amendment of the accounting regulations (49 CFR Part 182) applicable to motor carriers which will require that the amount initially includible under existing rules in account 1550, Other Intangible Property, for intangibles, at the time a motor carrier system or portion thereof constituting a distinct operating unit is acquired, shall be amortized over a maximum period of 10 years by charges to income account 7500, Other Deductions, except that the amount shall be amortized at an accelerated rate or written off immediately as the Commission may authorize or direct. The principle features of the proposed amendment are set forth in greater detail in the explanatory statement below.

So that the Commission may be fully advised in this matter, all interested persons are invited to submit on or before

February 29, 1960, written views or suggestions and may request oral argument or public hearing.

This notice will be served on all Class I and Class II common and contract motor carriers of property, and notice will be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Federal Register Division.

Explanatory statement. Under present rules, when a distinct operating unit, which may consist of operating rights and tangible property, such as terminals, equipment, and other facilities or operating rights only, is acquired from another motor carrier, the tangible assets acquired together with liabilities assumed are includible in the appropriate accounts at the amounts reflected on the books of the transferor. The portion of the cost of acquisition not includible in the accounts for the tangible assets or for liabilities is includible in account 1550, Other Intangible Property.

The present practice is to require amortization or immediate write-off of intangibles in the Commission's orders approving acquisition of such property. Under the provisions of the amended rule as herein proposed, requirement for such procedure is to be incorporated into the uniform system of accounts as a rule of general application.

Amendment of the rules. It is proposed to revise and amend the uniform

system of accounts (49 CFR Part 182) in the following respects:

§ 182.01-23 [Amendment]

In § 182.01-23 Depreciation and amortization, in paragraph (d) in the latter part of the text following the comma after the words "account 1550, Other Intangible Property", and preceding the word "may" insert the following: "except those relating to the acquisition of a distinct operating unit for which specific provision is made in § 182.01-29."

Amortization of intangibles. Add the following new and additional section:

§ 182.01–29 Amortization of intangibles.

Amounts included in account 1550, Other Intangible Property, shall be amortized over a maximum period of 10 years commencing with the date of consummation of the transaction by equal monthly charges to account 7500, Other Deductions, with corresponding credits to account 2600, Reserve for Amortization-Carrier Operating Property, except that the amount shall be amortized at an accelerated rate or written off immediately as the Commission may authorize or direct.

By the Commission, Division 2.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-932; Filed, Jan. 29, 1960; 8:52 a.m.]

DEPARTMENT OF DEFENSE

Department of the Air Force RALPH E. CROSS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None. B. Additions: None.

This statement is made of Ralph E. Cross.

Dated: January 19, 1960.

RALPH E. CROSS.

[F.R. Doc. 60-884; Filed, Jan. 29, 1960; 8:45 a.m.]

ROBERT M. TRUEBLOOD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

NOTICES

A. Deletions: None. B. Additions: None.

This statement is made of Robert M. Trueblood.

. Dated: January 15, 1960.

ROBERT M. TRUEBLOOD.

[F.R. Doc. 60-885; Filed, Jan. 29, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
ARCADIA STATE LIVESTOCK
MARKET ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Arcadia State Livestock Market, Arcadia, Fla.

Bonifay Livestock Market, Bonifay, Fla. Cattlemen's Livestock Auction Market, Inc., Lakeland, Fla.

Cattlemen's Livestock Auction Market of Tampa, Inc., Tampa, Fla. Chipley Livestock Co., Chipley, Fla.

Chipley Livestock Co., Chipley, Fla.
Columbia Live Stock Market, Lake City,

Gadsden County Livestock Auction Market, Quincy, Fla.

Gainesville Livestock Market, Inc., Gainesville, Fla.

Glades Livestock Market Association, Belle Glade, Fla.

Gulf Coop. Marketing Assn., Inc., Trenton, Fla.

Hardee Livestock Market, Wauchula, Fla. Jackson's Livestock Market, Gainesville, Fla.

Jacksonville Live Stock Auction, Jacksonville, Fla.

Jay Livestock Auction Market, Jay, Fla.

Kissimmee Live Stock Market, Inc., Kissimmee, Fla.

Madison Stock Yard, Madison, Fla.
Mid Florida Livestock Market, Inc., Orlando, Fla.

Mills Auction Market, Ocala, Fla.

Monticello Stockwards, Inc. Montice

Monticello Stockyards, Inc., Monticello, Fla. Okeechobee Livestock Market, Okeechobee, Fla.

Paxton Livestock Cooperative Association, Paxton, Fla.

Sarasota Cattle and Commission Sales, Inc., Sarasota, Fla.

Sumter County Farmers Market, Inc., Webster, Fla.

Suwannee Valley Livestock Market, Live Oak, Fla.

Tindel Livestock Auction Market, Grace-ville, Fla.

Tri County Livestock Auction Co., Blountstown, Fla.

Walton County State Livestock Market, DeFuniak Springs, Fla.

West Florida Livestock Auction Market, Marianna, Fla.

Breeds Livestock Sales, Elizabeth, Ill.

Caldwell County Livestock Exchange, Luling, Tex.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921 as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the Federal Register.

Done at Washington, D.C., this 26th day of January 1960.

JOHN C. PIERCE, Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 60-950; Filed, Jan. 29, 1960; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board
FARRELL LINES, INC., AND LYKES
BROTHERS STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8424, between Farrell Lines, Incorporated, and Lykes Bros. Steamship Co., Inc., covers a through billing arrangement in the trade from ports in East Africa to U.S. Gulf ports, with transhipment at African ports of Durban, Lourenco Marques or Capetown.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 27, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER, Secretary.

[F.R. Doc. 60-927; Filed, Jan. 29, 1960; 8:51 a.m.]

[Docket No. 869]

PACIFIC COAST-HAWAII AND AT-LANTIC/GULF-HAWAII GENERAL INCREASES IN RATES

Notice of Supplemental Order

Notice is hereby given that the Federal Maritime Board has entered, on

January 21, 1960, the following Twentieth Supplemental Order to the original order in this proceeding, dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

It appearing that by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as from Hawaii to North Atlantic ports, effective September 14, 1959; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on January 11, 1960, Matson Navigation Company filed Special Permission Application No. 53 seeking authority to file a First Revised Page No. 73-G to F.M.B.-F No. 97 in order to establish a new rate item, to be designated Item No. 595, applying from Pacific Coast ports container freight station to Honolulu port area container freight station, to read as follows:

[20th Supp. Order; Docket No. 869]

Bottles, jars, packing glasses, empty, with or without caps, covers, stoppers or tops, less than 16 oz. capacity each:

\$600 per C.L. in M.N.C. container of 1,415 cubic feet inside capacity (see Note).

Note: Does not apply to substitute equipment defined in Rule No. 6-(a)

It further appearing that the Board having found good cause therefor has en January 21, 1960, granted special permission to publish such changes on not less than 30 days' notice under Special Permission No. 3807; such special permission to be without prejudice to the right of the Board to suspend such schedules within the notice period, either upon receipt of protest thereto or upon its own motion.

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the change covered by such Special permission No. 3807; and

It is further ordered, That any rates, charges, regulations and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with said tariffschedules in the Office of the Federal Maritime Board, and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all

protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: January 27, 1960.

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By order of the Federal Maritime Board.

James L. Pimper, Secretary.

[F.R. Doc. 60-928; Filed, Jan. 29, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Application for Construction Permit and Utilization Facility Li-

Please take notice that Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan, under section 104.b of the Atomic Energy Act of 1954, as amended, has submitted an application for license authorizing construction and operation of a 75 megawatt (electrical) high power density, single cycle, forced circulation, boiling water nuclear reactor at Big Rock Point, Charlevoix County, Michigan.

A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 25th day of January 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 60-883; Filed, Jan. 29, 1960; 8:45 a.m.]

[Docket No. 50-154]

MARTIN COMPANY

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that The Martin Company, Baltimore, Maryland, under § 104.c of the Atomic Energy Act of 1954, as amended, has submitted an application for license authorizing construction and operation of a liquid fluidized bed reactor critical experiment facility at its site near Middle River, Maryland. The facility will be operated at power levels up to 10 watts, thermal. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 25th day of January 1960

For the Atomic Energy Commission.

R. L. Kirk,

Deputy Director, Division of

Licensing and Regulation.

[F.R. Doc. 60-882; Filed Jan. 29, 1960; 8:45 a.m.]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO. Notice of Hearing on Amendment of Construction Permit

Notice is hereby given that Yankee Atomic Electric Company ("Yankee") has requested an amendment of Construction Permit No. CPPR-5 in the manner set forth below.

Construction Permit No. CPPR-5 was issued to Yankee on November 4, 1957, authorizing the construction at a site in Rowe, Massachusetts of a pressurized light water-moderated and -cooled reactor to produce 134,000 kilowatts of electrical energy. Subparagraph E of the first full paragraph of the construction permit, and the second full paragraph of the construction permit, provide as follows:

E. The applicant may proceed to design and construct the proposed reactor without further authorization in accordance with the application and amendments thereto. However, this does not constitute final approval of any technical specification of the reactor. Before the license is issued to operate the facility, the Commission must finally approve all technical specifications. If the applicant desires final approval of any particular technical specification prior to the issuance of the license to operate, he may request that the Commission grant specific approval of any technical specification by appropriate amendment to this permit.

This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Yankee has submitted to the Commission (by proposed amendment to the application) the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Vankee has from time to time submitted additional information with respect to the proposed reactor by amendments to its license application, and by Amendments 14, 15 and 16 thereto has submitted information designated as the final hazards summary report. In Amendment No. 15 to the license application Yankee requests the Commission to amend Construction Permit No. CPPR-5 as follows: (a) by amending subparagraph E of the first full paragraph of the construction permit to reflect approval of the technical specifications of the reactor, and (b) by deleting the second full paragraph of the construction permit. Pursuant to § 50.36(b) of the Commission's regulations, Yankee has designated those provisions of its hazards summary report which Yankee proposes to be incorporated as technical specifications in Construction Permit No. CPPR-5 and in any superseding operating license.

For further information all interested persons are referred to Construction Permit No. CPPR-5 and Yankee's license application, particularly Amendments 14, 15 and 16 thereto dated September 15, 1959, October 2, 1959, and December 4, 1959, respectively, all on file and available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pursuant to the Atomic Energy Act of 1954 as amended (hereinafter referred to as "the Act") notice is hereby given that a hearing will be held to consider Yankee's request for amendment of Construction Permit CPPR-5, commencing at 10:30 a.m. on March 3, 1960, or on such later date as may be designated by the Presiding Officer, in the Auditorium of the AEC Headquarters, Germantown, Maryland. Samuel W. Jensch, Esq., is hereby designated as the Presiding Officer to conduct the hearing and to render a decision pursuant to § 2.751(a) of the Commission's rules of practice.

The issues to be considered at the hearing will be the following:

1. Whether Yankee has submitted all technical information required by the Act and the Commission's regulations to establish the final design of the reactor;

2. Whether the technical specifications proposed by Yankee pursuant to § 50.36(b) of the Commission's regulations shall be deemed to be the technical specifications of Construction Permit CPPR-5 and the superseding operating license, when and if such operating license is granted:

3. Whether the processes to be performed, the operating procedures, the final design of the facility and equipment, the proposed use of the facility, and the technical specifications collectively provide reasonable assurance that the health and safety of the public will not be endangered by the proposed operation of the facility;

4. Whether Construction Permit No. CPPR-5 shall be amended in whole or in part and under what conditions, if any, by granting AEC approval with respect to (a) the applicants' final design of the facility and equipment, (b) the applicant's proposed technical specifications, or (c) the proposed operating procedures.

Notice is hereby given that if the foregoing request by Yankee for amendment to its Construction Permit CPPR-5 is granted in its entirety, the sole remaining issues to be considered at a subsequent hearing with respect to the conversion of Construction Permit CPPR-5 to an operating license would be:

1. Whether construction of the facility has been completed in compliance with the terms and conditions under Construction Permit CPPR-5:

2. Whether Yankee is technically and financially qualified to engage in the proposed activities in accordance with Commission regulations;

3. Whether Yankee has furnished proof of financial protection in accordance with Commission regulations: and

4. Whether the issuance of an operating license to Yankee will be inimical to the common defense and security.

The report of the Advisory Committee on Reactor Safeguards in this matter will be available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C., prior to the hearing herein scheduled. Copies of such report may be obtained by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. If the report is not published

and made available prior to the scheduled date of hearing, the hearing will be rescheduled.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the AEC's Public Document Room, not later than thirty days after publication of this notice in the Federal Register, or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide. Yankee Atomic Electric Company shall file an answer to this notice pursuant to § 2.736 of the Commission's rules of practice on or before February 15, 1960.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Dated at Germantown, Md., this 27th day of January 1960.

For the Atomic Energy Commission.

H. L. PRICE, Director, Division of Licensing and Regulation.

[F.R. Doc. 60-965; Filed, Jan. 29, 1960; 8:56 a.m.]

COMMITTEE FOR RECIPROCITY INFORMATION

GENERAL AGREEMENT ON TARIFFS AND TRADE: PROVISIONAL AC-CESSION OF TUNISIA; RELATIONS WITH POLAND

Submission of information to the Committee for Reciprocity Information. Closing date for applications to appear at hearing February 29, 1960. Closing date for submission of briefs February 29, 1960. Public hearings open March 15, 1960.

The Interdepartmental Committee on Trade Agreements has issued on this day a notice of intention to consider participating in arrangements, not involving the conduct of tariff negotiations, for the provisional accession of Tunisia to the General Agreement on Tariffs and Trade and for accomplishing relations with Poland under the General Agreement closer than the observer status now applicable to that country.

Pursuant to paragraph 5 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949–1953 Comp., pp. 281, 355), the Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of

¹ See Interdepartmental Committee on Trade Agreements, F.R. Document 60-1018, intra.

views in regard to any aspect of the foregoing proposals shall be submitted to the Committee for Reciprocity Information not later than February 29, 1960. The application must indicate an estimate of . the time required for oral presentation. Written statements shall be submitted not later than February 29, 1960. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C." Fifteen copies of written statements, either typed, printed, or duplicated, shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use Only of the Committee

for Reciprocity Information" Public hearings will be held before the

Committee for Reciprocity Information, at which oral statements will be heard, beginning at 10:00 a.m. on March 15, 1960 in the Hearing Room in the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Copies of the notice issued today by the Interdepartmental Committee on Trade Agreements may be obtained from the Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C., and may be inspected at the Field Offices of the Department of Commerce.

By direction of the Committee for Reciprocity Information this 29th day of January 1960.

> EDWARD YARDLEY, Secretary, Committee for Reciprocity Information.

[F.R. Doc. 60-1017; Filed, Jan. 29, 1960; 12:00 m.]

INTERDEPARTMENTAL COMMIT-TEE ON TRADE AGREEMENTS

GENERAL AGREEMENT ON TARIFFS AND TRADE: PROVISIONAL AC-CESSION OF TUNISIA; RELATIONS WITH POLAND

Pursuant to section 4 of the Trade Agreements Act approved June 12, 1934, as amended (43 Stat. 945, ch. 474; 65 Stat..73, ch. 141), and to paragraph 4 of Executive Order 10082 of October 5, 1949. as amended (3 CFR, 1949-1953 Comp., pp. 281, 355), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to consider arrangements, not involving the conduct of tariff negotiations, for the provisional accession of Tunisia to the General Agreement on Tariffs and Trade. and for accomplishing a relationship with Poland under the General Agreement closer than the observer status now applicable to that country.

1. Tunisia. Under the arrangements for the provisional accession of Tunisia that country would apply the provisions of the General Agreement to contracting parties to that Agreement which formally accept these arrangements. Tunisia would not undertake obligations with respect to tariff concessions. In return such contracting parties would apply to Tunisia the provisions of the Agreement other than those which accord direct rights to their schedules containing tariff concessions. The United States has no bilateral trade agreement with Tunisia.

2. Poland. The arrangements with respect to Poland would record the desire of Poland and of contracting parties to the General Agreement which formally accept these arrangements to expand their trade with each other. They provide that Poland would undertake promptly to make public certain information such as laws, regulations, and statistics relating to trade. Provision would be made for the bilateral adjustment of questions arising out of these arrangements and for an annual review by the Contracting Parties to the General Agreement of the implementation of the arrangements. Poland would participate, without a vote, in the work of the Contracting Parties.

The proposals with respect to neither of these two countries would involve the modification of any United States tariff rates or the addition of any new articles imported into the United States to any existing schedule of United States tariff concessions.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082, as amended, information and views as to any aspect of the proposals announced by this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.1

By direction of the Interdepartmental Committee on Trade Agreements, this 29th day of January 1960.

> JOHN A. BIRCH. Chairman, Interdepartmental Committee on Trade Agreements.

[F.R. Dec. 60-1018; Filed, Jan. 29, 1960; 12:00 m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13361; FCC 60M-180]

JAMES N. CALVERT

Order Scheduling Hearing

In the matter of James N. Calvert, c/o E. E. Saunders & Co., P.O. Box 192,

¹See Committee for Reciprocity Information, F.R. Document 60-1017, supra.

Pensacola, Florida, docket No. 13361: order to show cause why there should not be revoked the license for radio station WB-8506 aboard the vessel "Providence II".

It is ordered, This 25th day of January 1960, that Annie Neal Huntting will preside at the hearing in the aboveentitled proceeding which is hereby scheduled to commence on April 8, 1960. at 2:00 p.m., in Washington, D.C.

Released: January 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 60-954; Filed, Jan. 29, 1960; 8:55 a.m.]

[Docket Nos. 13341-13344; FCC 60M-168]

CREEK COUNTY BROADCASTING CO. ET AL.

Order Continuing Hearing Conference

In re applications of T. M. Raburn, Jr., tr/as Creek County Broadcasting Co., Sapulpa, Oklahoma, Docket No. 13341, File No. BP-11605; Tinker Area Broadcasting Co., Midwest City, Oklahoma, Docket No. 13342, File No. BP-12410: Sapulpa Broadcasting Corporation, Sapulpa, Oklahoma, Docket No. 13343, File No. BP-12595; M. W. Cooper, Midwest City, Oklahoma, Docket No. 13344. File No. BP-12887; for construction permits.

On the oral request of counsel for the Chief of the Commission's Broadcast Bureau, who states that he has a conflicting engagement, and with the consent of counsel for all other parties: It is ordered, This 22d day of January 1960 that the prehearing conference in the above-entitled proceeding scheduled for February 4, 1960 by order of the hearing examiner released January 15, 1960, is hereby postponed to Monday, February 15, 1960, at 10:00 a.m., at the offices of the Commission, Washington, D.C.

Released: January 25, 1960.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION. MARY JANE MORRIS, Secretary.

[F.R. Doc. 60-955; Filed, Jan. 29, 1960; 8:55 a.m.]

[Docket No. 13090 etc.; FCC 60M-174]

FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.

Order Continuing Hearing Conference

In re applications of Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, et al., Docket No. 13090, File No. BP-11550; Docket Nos. 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113, 13114, 13115, 13116, 13118, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13129, 13130, 13131, 13132, 13133, 13134,

13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147, 13327; for construction permits.

The Hearing Examiner having under consideration a "Petition for Extension of Time to Exchange Engineering Exhibits and Extension of Date for Prehearing Conference" filed by West-chester Broadcasting Corporation, an applicant and respondent in Group 6 of the above proceeding, on January 14, 1960, and

It appearing that the petition requests that the date for exchanging preliminary engineering exhibits now scheduled for January 25, 1960, be extended to February 4, 1960, and that the further prehearing conference now scheduled for February 8, 1960, be extended to February 18, 1960, and

It further appearing that all pertinent parties agree and that good cause has been shown for the granting of the petition.

It is ordered, This 25th day of January 1960, that the aforesaid petition is granted, and the dates are accordingly changed as requested.

Released: January 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 60-956; Filed, Jan. 29, 1960; 8:55 a.m.]

[Docket Nos. 13367, 13368; FCC 60M-183]

GREENTREE COMMUNICATIONS EN-TERPRISES, INC., AND JERROLD ELECTRONICS CORP.

Order Scheduling Hearing

In re applications of Greentree Communications Enterprises, Inc., Flagstaff, Arizona, Docket No. 13367, File No. BPCT-2642; Jerrold Electronics Corporation, Elagstaff, Arizona, Docket No. 13368, File No. BPCT-2670; for construction permits for new television broadcast stations (Channel 9).

It is ordered, This 25th day of January 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 14, 1960, in Washington, D.C.

Released: January 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS.

Secretary.

[F.R. Doc. 60-957; Filed, Jan. 29, 1960; 8:56 a.m.]

[Docket Nos. 13203-13209; FCC 60M-189]

H AND R ELECTRONICS, INC., ET AL.

Order Continuing Hearing

In re applications of H and R Electronics, Inc., Greenville, North Carolina, Docket No. 13203, File No. BP-11635; Francis M. Fitzgerald, Greensboro, North

Carolina, Docket No. 13205, File No. BP-12566; Wilbur B. Reisenweaver, tr/as Reisenweaver-Communications, Winston-Salem, North Carolina, Docket No. 13206, File No. BP-12641; North Carolina, Blectronics, Inc., Raleigh, North Carolina, Docket No. 13207, File No. BP-12769; James Poston and Frank P. Larson, Jr., d/b as Poston-Larson Broadcasting Company, Graham, North Carolina, Docket No. 13208, File No. BP-13094; Wyti, Incorporated, Vinton, Virginia, Docket No. 13209, File No. BP-13117; for construction permits.

The Hearing Examiner having under consideration (1) a motion filed on January 13, 1960, by North Carolina Electronics, Inc., applicant in the aboveentitled proceeding, requesting that the dates presently fixed for the exchange of engineering exhibits and for other procedural steps in such proceeding, be continued to certain specified dates; (2) letter dated January 15, 1960, from counsel for North Carolina Electronics, Inc., suggesting substitution of date for the one requested in such motion for commencement of hearing; and (3) supplement to motion for extension of time, filed January 19, 1960, by North Carolina Electronics, Inc., clarifying statements made in the motion for extension of

It appearing that counsel for all applicants and for the Broadcast Bureau have informally consented to the granting of the relief requested;

It is ordered, This 26th day of January 1960, that the motion for postponement of the dates now fixed for certain procedural steps in the above-entitled proceeding, as modified by the letter of January 15, 1960, and in accordance with the supplement to the motion, be and it is hereby granted; and the following dates in lieu of those presently specified shall govern in this proceeding:

Exchange of preliminary engineering: Feb. 2, 1960.

Informal engineering meeting: Feb. 16, 1960. Final engineering and non-engineering exchange: Mar. 1, 1960.

Notification of witnesses for cross-exmination: Mar. 8, 1960.

Commencement of hearing: Apr. 12, 1960.

Released: January 27, 1960.

FEDERAL COMMUNICATIONS
COMMISSION

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 60-958; Filed, Jan. 29, 1960; 8:56 a.m.]

[Docket No. 12837 etc.; FCC 60M-186]

BIRNEY IMES, JR. ET AL. Order Continuing Hearing

In re applications of Birney Imes, Jr., West Memphis, Arkansas, Docket No. 12837, File No. BP-11465; Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. BP-12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP-12405; Garrett Broadcasting Corporation, West Memphis, Arkansas, Docket No. 13057,

File No. BP-12987; for construction permits.

The Hearing Examiner having under consideration the informal request of Newport Broadcasting Company for continuance of procedural dates in the above-entitled proceeding;

It appearing that the exhibits to be offered in evidence in the presentation of direct affirmative cases are presently scheduled to be exchanged on January 18, 1960, with hearing to commence on February 23, 1960, which dates it is requested be continued to February 23, 1960 and March 21, 1960, respectively;

It further appearing that all parties having consented to immediate consideration and grant of the said request and good cause for a grant thereof is present, in that additional time is sought to seek agreement concerning the engineering showings to be made:

It is ordered, This 26th day of January 1960 that said request is granted and the date for exchange of exhibits is continued to February 23, 1960;

It is further ordered, That the hearing herein presently scheduled to commence on February 23, 1960, is continued to March 21, 1960.

Released: January 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 60-959; Filed, Jan. 29, 1960; 8:56 a.m.]

[Docket No. 12788 etc.; FCC 60M-166]

CHARLES J. LANPHIER ET AL. Supplemental Order Governing Hearing

In re applications of Charles J. Lanphier, Golden Valley, Minnesota, et al., Docket No. 12788, File No. BP-11629; Docket Nos. 12792, 12795, 12796, 12797, 12798, 12799, 12800, 12801, 12802, 12803, 12805, 12905, 12906, 12907; for construction permits.

1. At the present time the date which is scheduled for the reception of engineering evidence from those applicants who are known as Group B is February 1, 1960. A further prehearing conference concerning Group B was held on January 8 at which time there was an indication that circumstances which were fully discussed on the record might make a continuance desirable. After discussion with the other parties, counsel for the Broadcast Bureau has advised the Hearing Examiner that an adjustment of dates for the exchange of exhibits and for the taking of engineering testimony is requested.

2. While there has already been an exchange of exhibits for Group B, a further exchange is necessary inasmuch as a good deal of supplementary material was required for a complete presentation of the several cases. Accordingly there will be a second "final exchange" of engineering exhibits on February 24. The parties will then have until March 11 to serve notification of any witnesses whom they may desire to cross-examine. The

hearing itself will be continued to commence on March 23, 1960. It is understood, of course, that these dates affect only Group B and that other hearing or conference dates which may have been set up for Groups A and C are not disturbed by this order.

It is ordered, This 21st day of January 1960, that the hearing date of February 1, 1960, for Group B is continued to March 23, 1960.

Released: January 25, 1960. ,

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 60-960; Filed, Jan. 29, 1960; 8:56 a.m.]

[Docket Nos. 13363-13366; FCC 60M-182]

CECIL W. ROBERTS ET AL. Order Scheduling Hearing

In re applications of Cecil W. Roberts and, Jane A. Roberts, his wife, Poplar Bluff, Missouri, Docket No. 13363, File No. BP-11881; Don M. Lidenton, Poplar Bluff, Missouri, Docket No. 13364, File No. BP-11958; Phoenix Company, Inc. (KAAB), Hot Springs, Arkansas, Docket No. 13365, File No. BP-12710; White River Valley Broadcasters, Incorporated (KBTA), Batesville, Arkansas, Docket No. 13366, File No. BP-13037; for construction permits.

It is ordered, This 25th day of January 1960, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 11, 1960, in Washington, D.C.

Released: January 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-961; Filed, Jan. 29, 1960; 8:56 a.m.]

[Docket No. 13360; FCC 60M-179]

STANDARD GILSONITE CO. Order Scheduling Hearing

In the matter of Standard Gilsonite Company, 212 State Exchange Building, Salt Lake City, Utah, Docket No. 13360; order to show cause why there should not be revoked the license for special industrial radio station KOL-459.

It is ordered, This 25th day of January 1960, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 8, 1960, at 10:00 a.m., in Washington, D.C.

Released: January 26, 1960.

 FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 60-962; Filed, Jan. 29, 1960; 8:56 a.m.]

[Docket No. 13362]

SUPERIOR PACKING CO.

Order To Show Cause

In the matter of Superior Packing Company, Superior, Alaska via Tenakee, Alaska, Docket No. 13362; order to show cause why there should not be revoked the license for fixed public; public coast Radio Station KWJ-42.

There being under consideration the matter of certain alleged violations, of the Commission's rules in connection with the operation of the above-captioned station:

It apearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official notice of violation dated August 24, 1959, calling attention to violations (observed August 8, 1959) of the following Commission rules:

Section 7.109: No frequency measurements for 2694 and 2182 kc.

Section 7.102: No station license posted or available.

Section 7.314: No adequate radio log maintained.

Frequencies 2670, 2538, 2632, 5622.5, and 5652.5 kc. in transmitter; none of these frequencies are authorized by the license or appropriate sections (14.256, 14.257, 14.205, or 14.206) of the Commission's rules.

It further appearing that, the abovenamed licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated October 15, 1959, and sent by Certified Mail, Return Receipt Requested (No. 96418), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agents, W. F. Smith and Jerry Tilley on October 22, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 21st day of January 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the abovecaptioned Radio Station should not be revoked and appear and give evidence in

respect thereto at a hearing 1 to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: January 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

8:56 a.m.]

Secretary. [F.R. Doc. 60-963; Filed, Jan. 29, 1960;

[Docket No. 12054; FCC 60M-175] . WTVY, INC.

Order Continuing Hearing

In the matter of amendment of § 3.606 Table of assignments, Television Broadcast Stations (Columbus, Georgia), and order directing WTVY, Inc. to show cause why its authorization for Station WTVY, Dothan, Alabama, should not be modified to specify operation on Channel 4 in lieu of Channel 9; Docket No. 12054.

On the oral request of counsel for WTVY, Inc. and the Broadcast Bureau: It is ordered, This 25th day of January 1960, that the hearing scheduled for January 26, 1960, is continued indefinitely.

Released: January 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

-[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-964; Filed, Jan. 29, 1960; 8:56 a.m.]

¹ Section 1.62 of the Commission's rules

provides that a licensee, in order to avail

himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based,

submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the

order to show cause will be invoked.

the Hearing Examiner may call upon the

FEDERAL POWER COMMISSION

[Docket No. G-20307]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

JANUARY 25, 1960.

Take notice that on December 4, 1959, Cities Service Gas Company (Applicant) filed in Docket No. G-20307 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain minor natural gas transmission facilities during the calendar year 1960, including branch lines and meter and regulator equipment, to make miscellaneous temporary and permanent direct sales of natural gas from Applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of the facilities for which authorization is sought is estimated at \$82,500, with no individual project to exceed a cost of \$6,000, to be

paid out of treasury cash.

Applicant estimates that it will have approximately 15 requests for temporary sales in 1960, mostly from road construction contractors, each request involving an estimated average of 35,000 Mcf of natural gas annually, and averaging a cost of approximately \$2,500 per installation.

Also, Applicant anticipates approximately 30 requests for direct sales to consumers on a permanent basis during 1960, each request involving an average of approximately 52,000 Mcf of natural gas annually, and averaging a cost of approximately \$1,500 per installation.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 23, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission. 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and con-

currence in omission herein of the intermediate decision procedure im cases where a request therefor is made.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-899; Filed, Jan. 29, 1960; 8:47 a.m.]

[Docket Nos. RI60-22, RI60-23]

GREENBRIER OIL ET AL.

Order Providing for Hearing on and Suspension of Proposed Increased Rates ¹

JANUARY 15, 1960.

In the matters of Greenbrier Oil Co., Docket No. RI60-22, Greenbrier Oil Co. (Operator), et al., Docket No. RI60-23.

Greenbrier Oil Co. (Greenbrier) and Greenbrier Oil Co. (Operator), et al., (Greenbrier, et al.) on December 17, 18 and 30, 1959, tendered for filing proposed charges in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges are contained in the following designated filings:

Description: Three Notices of Change undated and one dated December 28, 1959.

Purchaser: El Paso Natural Gas Company. Producing area: Rate Schedules 5 and 10, Drinkard Fld., Lea Co., New Mexico. Rate Schedule 4, Jack Herbert Fld., Upton Co., Texas.

Rate schedule designation: Supplement No. 4 to Greenbrier's FPC Gas Rate Schedule No. 10, Supp. Nos. 10 and 11 to Greenbrier's FPC Gas Rate Schedule No. 4, and Supp. No. 3 to Greenbrier et al's FPC Gas Rate Schedule No. 5.

Effective date: Rate Schedule No. 10, January 17, 1960. Rate Schedule No. 4, January 18, 1960. Rate Schedule No. 5, January 30, 1960.

Rate in effect: ² Rate Schedule No. 10—10.5 cents. Rate Schedule No. 4—10.6008 cents, 8.108 cents. Rate Schedule No. 5—10.5 cents.

Proposed increased rate: Rate Schedule No. 10—15.5599 cents. Rate Schedule No. 4—15.70925 cents, 13.68225 cents. Rate Schedule No. 5—15.5599 cents.

In support of its proposed renegotiated increased rates, Greenbrier states that the new agreements were negotiated at arm's length and that the proposed price increases offset, to some extent, the disadvantages of committing gas reserves under a "life of the lease" contract. Greenbrier, in addition submitted cost of service data for each year commencing with 1949 when the company commenced business and ending with Calendar Year 1958.

The increased rates and charges may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charges contained in Supplement No. 4 to Greenbrier's FPC Gas Rate Schedule No. 10, Supplement Nos. 10 and 11 to Greenbrier's FPC Gas Rate Schedule No. 4, and Supplement No. 3 to Greenbrier et al.'s FPC Gas Rate Schedule No. 5.

(B) Pending the hearing and decision thereon, Supplement No. 4 to Greenbrier's FPC Gas Rate Schedule No. 10 is suspended and the use thereof deferred until June 17, 1960, Supplement Nos. 10 and 11 to Greenbrier's FPC Gas Rate Schedule No. 4 are suspended and the use thereof deferred until June 18, 1960, and Supplement No. 3 to Greenbrier et al.'s FPC Gas Rate Schedule No. 5 is suspended and the use thereof deferred until June 30, 1960, and each thereafter until June 30, 1960, and each thereafter until made effective in the manner prescribed by the Natural Gas Act.

(C) None of the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-900; Filed, Jan. 29, 1960; 8:47 a.m.]

[Docket No. G-20045]

PEOPLES GULF COAST NATURAL GAS PIPELINE CO.

Notice of Application and Date of Hearing

JANUARY 25, 1960.

In the matter of Peoples Gulf Coast Natural Gas Pipeline Company (formerly Texas Illinois Natural Gas Pipeline Company), Docket No. G-20045.

Take notice that on November 2, 1959, Texas Illinois Natural Gas Pipeline Company (Applicant) filed in Docket No. G-20045 an application pursuant to sec-

¹The order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

² Pressure Base—14.65 psia.

¹ By order issued December 8, 1959, in Docket No. G-19963, the Commission substituted Peoples Gulf Coast Natural Gas Pipeline Company as Applicant in this and certain other proceedings, in lieu of Texas Illinois Natural Gas Pipeline Company.

tion 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from time to time during the calendar year 1960 at a total estimated cost not to exceed \$1.500.000, with no single project to exceed a cost of \$375,000, all as more fully set forth in the application which is on file with the Commission and open to inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 25, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-901; Filed, Jan. 29, 1960; 8:47 a.m.]

[Docket Nos. G-19932, G-20068]

C. R. RIDGWAY ET AL.

Order Providing for Hearing on and Suspension of Proposed Rates ¹

JANUARY 22, 1960.

In the matters of C. R. Ridgway and W. B. Ridgway, Docket No. G-19932;

Ridgway Management, Inc., Docket No. G-20068.

The above-named Respondents on December 24, 1959, tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute decreased rates and charges are contained in the following designated filings:

Docket No. G-19932

Respondent: C. R. Ridgway and W. B. Ridgway (Ridgway).

Purchaser: United Gas Pipe Line Company. Producing area: Maxie and Pistol Ridge Fields, Forrest, Lamar and Pearl River Counties, Mississippi.

Rate schedule designation: Supp. No. 1 to Supp. No. 3 of FPC Gas Rate Schedule No. 1. Effective date: January 24, 1960.

Proposed rate: 23.0 cents per Mcf at 15.025

Docket No. G-20068

Respondent: Ridgway Management, Inc. (Management, Inc.).

Purchaser: United Gas Pipe Line Company. Producing area: Maxie and Pistol Ridge Fields, Forrest, Lamar and Pearl River Counties, Mississippi.

Rate schedule designation: Supplement No. 1 to Supplement No. 2 of FPC Gas Rate Schedule No. 1.

Effective date: January 24, 1960.

Proposed rate: 23.0 cents Mcf at 15.025 psla.

Respondents Ridgway and Management, Inc., have submitted proposed amendments to their respective Supplement Nos. 3 and 2 of their FPC Gas Rate Schedule Nos. 1, after a further redetermination, decreasing from 24.0 cents to 23.0 cents per Mcf the rate proposed in the aforementioned supplements covering the sale of gas to the United Gas Pipe Line Company in the Maxie and Pistol Ridge Fields in Forrest, Lamar and Pearl River Counties, Mississippi.

Supplement Nos. 3 and 2 to Respondents' FPC Gas Rate Schedule Nos. 1, proposed redetermined rate increases, were suspended by orders issued October 23, 1959, and November 6, 1959, respectively, until April 24, 1960 or until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

The proposed rate in the aforementioned rate schedules may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rates and charges contained in Supplement No. 1 to Supple-

ment No. 3 to Ridgway's FPC Gas Rate Schedule No. 1 and in Supplement No. 1 to Supplement No. 2 to Management, Inc.'s FPC Gas Rate Schedule No. 1.

(B) Pending the hearing and decision thereon, Supplement No. 1 to Supplement No. 3 to Ridgway's FPC Gas Rate Schedule No. 1 and in Supplement No. 1 to Supplement No. 2 to Management Inc.'s FPC Gas Rate Schedule No. 1 are suspended and the use thereof deferred until April 24, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

(C) None of the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-902; Filed, Jan. 29, 1960; 8:48 a.m.]

[Docket No. G-9510 etc.]

CITIES SERVICE PRODUCTION CO. ET AL.

Order Granting Motions To Allow Rates To Remain in Effect Without Obligation to Refund, Discharging Obligation to Refund Under Supplements, Severing Proceedings, and Terminating Proceedings

JANUARY 26, 1960.

In the matters of Cities Service Production Company, Docket Nos. G-9510, G-11325, G-12780, G-13388, G-14097, and G-16487; Cities Service Oil Company, Docket Nos. G-13031, G-13376, G-13715, G-13777, G-13913, G-13979, G-14034, G-14079, G-14885, G-15108, G-16123, G-16360, and G-16493; Cities Service Oil Company (Operator), Docket No. G-14104; Cities Service Oil Company (Operator), et al., Dockets Nos. G-12983, G-14723, G-14724, G-14886, and G-15210.

The above-consolidated matters (Docket Nos. G-9510, et al.) are presently in recess and are scheduled to be re-convened on order of the presiding examiner.

On October 23, 1959, Cities Service Oil Company and Cities Service Production Company (Respondents) filed motions herein requesting the Commission to: Re-consider and vacate its suspension orders in Docket Nos. G-13913, G-13979, G-14079, G-14097, G-14104, G-14885, G-14886, G-15108, and G-16493; permit the supplements involved in the aforementioned proceedings to become effective forthwith without obligation to refund; sever said proceedings from Docket Nos. G-9510, et al.; and terminate said proceedings. The aforementioned motions involve the following dockets:

¹The order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

Docket Nos.	Rate Sched.	Supp. No.	Purchaser	County and State	Date effective subject to ref.
G-13913	26 27 19 20 21 22 23 24 24 28 3 105 43 51	14 1 2 4 3 4 2 2 4 1 10 5 6 11 5 and 6	El Paso	Lea, N. Mex	June 1, 1958 Apr. 18, 1958 Apr. 18, 1958 Oct. 19, 1959 Mar. 20, 1959

In support of their motions, Respondents cite a number of increased rates similar to those suspended, which the Commission has accepted for filing without suspension. Respondents further cite recent terminations of suspension proceedings involving similar increased rates. Respondents further state that unless the requests are granted they will be denied equal rights and will be subject to undue discrimination.

Consistent with our action in terminating suspension proceedings involving other producers similarly situated, the aforementioned suspension proceedings should be terminated. Neither El Paso, who has been permitted to intervene herein, Kansas-Nebraska, nor any other person has protested the motions filed

by Respondents.

The Commission finds: Good cause exists for granting Respondents' motions filed herein on October 23, 1959, as hereinafter ordered; allowing the aforementioned suspended supplements involved in Docket Nos. G-13913, G-13979, G-14079, G-14097, G-14104, G-14885, G-14886, G-15108 and G-16493 to remain in effect without obligation to refund as hereinafter ordered; to discharge Respondents from their obligations to refund under the aforesaid supplements; to sever the aforesaid proceedings from the proceedings involved in Docket Nos. G-9510, et al.; and to terminate the aforesaid suspension proceedings.

The Commission orders:

(A) The aforementioned suspended supplements involved in the proceedings in Docket Nos. G-13913, G-13979, G-14079, G-14097, G-14104, G-14885, G-15108 and G-16493 are hereby allowed to remain in effect without obligation to refund as of the date each became effective, subject to refund.

(B). Respondents are hereby discharged from their obligations to refund under the aforementioned supplements involved in the aforesaid proceedings.

(C) The proceedings in Docket Nos. G-13913, G-13979, G-14079, G-14097, G-14104, G-14885, G-14886, G-15108 and G-16493 are hereby severed from the

¹See, among others, Supplement No. 4 to Humble Oil & Refining Company FPC Gas Rate Schedule No. 28, and Supplement No. 10 to Hanley Company FPC Gas Rate Schedule No. 21.

proceedings involved in Docket Nos. G-9510, et al.

(D) The proceedings involved in Docket Nos. G-13913, G-13979, G-14079, G-14097, G-14104, G-14885, G-14886, G-15108 and G-16493 are hereby terminated.

(E) This order is without prejudice to any findings or orders which have been made, or may be made by the Commission in Docket Nos. G-9510, et al., or in any other proceeding now pending or hereinafter instituted by or against Cities Service Production Company and/or Cities Service Oil Company.

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-935; Filed, Jan. 29, 1960; 8:52 a.m.]

[Docket No. G-15303]

DELAWARE GAS CO.

Notice of Application and Date of Hearing

JANUARY 26, 1960.

Take notice that on June 16, 1958, Delaware Gas Company (Applicant) filed in Docket No. G-15303 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Hope Natural Gas Company (Hope) from the Atlas-Engineering Company Lease in Barbour County, West Virginia, covered by a gas sales contract between Applicant and Hope dated June 21, 1956, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Authorization to render the subject service to Hope was granted to Applicant on April 24, 1957, in Docket No. G-10743 (In the Matters of South-Tex Corporation, et al., Docket Nos. G-4763, et al.). Applicant states that the supply of gas

Applicant states that the supply of gas available for delivery under the contract has declined to the point where it is no longer economical to continue the operation and that difficulties encountered during attempted reconditioning of the well have made it apparent that the monetary return does not justify continued expense.

A supplemental agreement between Applicant and Hope, dated May 29, 1958, cancelling the basic contract of June 21, 1956, has been accepted for filing and

designated as Supplement No. 1 to Delaware Gas Company FPC Gas Rate Schedule No. 2.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 25, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G.Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-936; Filed, Jan. 29, 1960; 8:53 a.m.]

[Docket No. G-3162]

WILBUR J. HOLLEMAN

Notice of Partially Reinstated Application and Date of Hearing

JANUARY 26, 1960

Take notice that Wilbur J. Holleman (Applicant), filed an application in Docket No. G-3162 on September 27, 1954, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Mississippi River Fuel Corporation (Mississippi), Texas Eastern Transmission Corporation (Texas Eastern), and Southwest Gas Producing Company (Southwest), produced in the Unionville, North Rushton and Lisbon Fields, located in Union, Clairborne and Lincoln Parishes, Louisiana, respectively, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission, and open to public inspection.

By Commission order issued October 1, 1956, Holleman's application in Docket No. G-3162 was rejected on the basis that he was not a signatory party to any of the sales contracts covered by the application. The Commission's record shows,

² See, among others, Amerada Petroleum Corporation, Docket Nos. G-13900 and G-13901; Murphy Corporation, Docket No. G-14933; and F. A. Callery, Inc., et al., Docket Nos. G-10437, et al.

however, that he is in fact a signatory party to a gas sales contract covering the sale of natural gas to Mississippi, which contract is on file as Wilbur J. Holleman FPC Gas Rate Schedule No. 1. There are no documents showing that Applicant has entered into a sales contract with either Texas Eastern or Southwest. The application only insofar as it pertains to the sale to Mississippi is hereby reinstated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 16, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however. That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 1, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

> JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-937; Filed, Jan. 29, 1960; 8:53 a.m.]

[Docket Nos. G-14126, G-14644]

W. J. RILEY AND BANQUETE GAS

Notice of Applications and Date of Hearing ,

JANUARY 26, 1960.

In the Matters of W. J. Riley, Docket No. G-14126; Banquete Gas Company, Docket No. G-14644.

Take notice that on December 23, 1957. J. Riley (Riley) in Docket No. G-14126, and on March 10, 1958, Banquete Gas Company (Banquete)1 in Docket No. G-14644, respectively, filed applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing:

(1) Riley to sell natural gas to Banquete from the J. C. Burrows Lease in the Odem Field, San Patricio County, Texas, under a gas sales contract dated November 1, 1957, on file as W. J. Riley FPC Gas Rate Schedule No. 1; and

(2) Banquete to gather and resell the aforesaid gas purchased from Riley to Transcontinental Gas Pipe Line Corporation (Transco) under a letter agreement dated October 18, 1957, accepted by Banquete October 24, 1957, which agreement is on file as Banquete Gas Company FPC Gas Rate Schedule No. 2.

By separate letters dated March 13, 1958, Applicants received temporary authorization to render the services involved herein.

On June 2, 1958, Riley and Banquete, respectively, filed applications for amendment of their foregoing certificate applications in Docket Nos. G-14126 and G-14644, requesting authorization pursuant to section 7(b) of the Natural Gas Act to abandon the services which are the subject of the said certificate applications.

Applicants state that the single well on the J. C. Burrows Lease is no longer capable of producing natural gas in commercial quantities despite efforts to rework it, that Banquete has agreed to termination of its contract with Riley and that Transco has agreed to termination of its contract with Banquete.

Notices of cancellation of the respective contracts are on file as Supplement No. 1 to W. J. Riley FPC Gas Rate Schedule No. 1, and Supplement No. 1 to Banquete Gas Company FPC Gas Rate Schedule No. 2.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 1, 1960. at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

> JOSEPH H. GUTRIDE. Secretary.

¹ A proprietorship in which Riley is the sole [F.R. Doc. 60-938; Filed, Jan. 29, 1960; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2050]

ALUMINIUM, LTD.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Aluminium, Limited, Common Stock; File No. 7-2050.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange, Midwest Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

[F.R. Doc. 60-908; Filed, Jan. 29, 1960; 8:49 a.m.]

[File No. 7-2051]

FOREMOST DAIRIES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Foremost Dairies. Inc., Common Stock; File No. 7-2051.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange, Midwest Stock Exchange, Philadelphia-Baltimore and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will de-

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termine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 60-909; Filed, Jan. 29, 1960; 8:49 a.m.]

[File No. 7-2052]

GENERAL DYNAMICS CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in General Dynamics Corp., Common Stock; File No. 7-2052.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission. Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 60-910; Filed, Jan. 29, 1960; 8:49 a.m.]

[File No. 7-2053]

GENERAL TELEPHONE & ELECTRONICS CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in General Telephone & Electronics Corp., Common Stock; File No. 7-2053.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Midwest Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 60-911; Filed, Jan. 29, 1960; 8:49 a.m.]

[File No. 7-2054]

GEORGIA-PACIFIC CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of Application by the Detroit Stock Exchange for unlisted trading privileges in Georgia-Pacific Corporation, Common Stock, File No. 7-2054.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will determine whether to set the matter down for hear-

ing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission. Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 60-912; Filed, Jan. 29, 1960; 8:49 a.m.]

[File No. 812-1277]

INVESTORS SYNDICATE OF AMERICA, INC.

Notice of Filing of Application for Order Authorizing Insured Property Improvement Loans as Qualified Investments

JANUARY 25, 1960.

Notice is hereby given that Investors Syndicate of America, Inc. ("ISA"), a registered face-amount certificate company, has filed an application for an order pursuant to the provisions of section 28(b) of the Investment Company Act of 1940 ("Act") authorizing as qualified investments for ISA property improvement loans insured by the Federal Housing Commissioner under the provisions of Title I of the National Housing Act.

ISA, a wholly-owned subsidiary of Investors Diversified Services, Inc., which is also a registered face-amount certificate company, is engaged in the issuance of face-amount certificates and investment of the proceeds primarily in mortgages on real estate and municipal bonds and in corporate bonds, preferred and common stocks. The total assets of ISA as of June 30, 1959, were \$525,084,-848, substantially all of which consisted of qualified investments as defined in section 28(b) of the Act.

The provisions of section 28(b) of the Act require that ISA, as a company issuing and selling face-amount certificates, invest its assets in qualified investments (or hold cash) in amounts not less than the aggregate amount of the capital stock and certificate reserve requirements of section 28(a) of the Act. Qualified investments are defined in section 28(b) to mean investments of a kind which life insurance companies are permitted to invest in or hold under the provisions of the Code of the District of Columbia and such other investments as the Commission shall by rule, regulation, or order authorize as qualified

investments. Section 28(b) also requires that qualified investments shall be valued in accordance with the provisions of said Code where such provisions are applicable, and that investments to which such provisions do not apply shall be valued in accordance with such rules, regulations, or orders as the Commission shall prescribe for the protection of investors.

The Code of the District of Columbia permits insurance companies to invest, among other things, in evidences of indebtedness insured as to principal and interest by the United States or by an administration or agency of the United States, provided they are secured by mortgages or other liens. The Code also permits certain investments in securities other than those insured obligations which are secured by mortgages or other liens, including bonds, preferred stocks and common stocks which meet the requirements of the Code. The application requests that the Commission pursuant to section 28(b) of the Act authorize as qualified investments for ISA property improvement loans insured by the Federal Housing Commissioner under the provisions of Title I of the National Housing Act, whether or not they are otherwise secured.

The application states that insured property improvement loans would be a desirable form of investment for ISA in the light of their relative safety, attractive rate of return, and liquidity resulting from their shorter maturities in relation to certain other types of obligations. In general, Title I of the National Housing Act provides insurance for qualified lenders against loss on home improvements loans to the extent of 90 percent of any loss, with insurance granted to any lender not to exceed 10 percent of the total amount of loans made by such lender. If such loans are authorized as qualified investments for ISA, the company contemplates their acquisition through a fully-owned subsidiary of ISA (as defined in Rule 17a-3(b) under the Act) organized to take over the business and operations of First Bancredit Corporation ("Bancredit") which for over 25 years has been principally engaged as a qualified lender in the origination of insured property improvement loans. Bancredit is a subsidiary of First Bank Stock Corporation, of Minneapolis, Minnesota, a bank holding company, and the paper originated by Bancredit is sold to First Bank Stock affiliated banks.

An order of the Board of Governors of the Federal Reserve System dated July 21, 1959, directed First Bank Stock Corporation to divest itself of Bancredit, the Board having found that the activities of Bancredit are not so closely related to the business of banking as to be a proper incident thereto and as to make it unnecessary for the prohibitions of Section 4 of the Bank Holding Company Act of 1956 to apply. However, the Board also found that the Bancredit paper has proved a desirable form of investment for First Bank Stock banks in terms of both yield and safety, that

the yield has usually been at least 1 percent above the gross rate on prime commercial loans and has always been substantially higher than on bonds or other securities, and that losses on all Bancredit paper have been very small. The application states that from October 1, 1954, when 10 percent co-insurance by lenders was first required under Title I. to November 30, 1959, Bancredit originated for the First Bank group a total of \$163,307,590 of Title I loans. On this amount, it has been necessary to file claims in respect of principal losses of \$1,592,653, of which the Federal Housing Administration has paid \$1,433,218, leaving only \$159,435, or about 1/10 of 1 percent of the amount of the loans, as the losses absorbed by the lenders.

The interest on Title I loans is received in the form of a discount between the face amount of each note purchased and the cost of the paper to the lender represented by the amount actually disbursed to the dealer or contractor for the property improvements. The application states that the amount of discount presently fixed by the National Housing Act results in an average annual gross return of approximately 9 percent on average maturities of around 36 to 42 months, with repayments customarily made in monthly installments. It is stated that the experience of Bancredit has shown that after deducting operating costs, the yield on the aggregate of paper generated amounts to about 5% percent which would be particularly attractive to ISA since it remains relatively fixed regardless of fluctuations in interest rates generally.

The application states that insurance companies in the state of New York are expressly authorized under section 201 of the New York Unconsolidated Laws to invest in unsecured modernization loans insured by the Federal Housing Commissioner pursuant to Title I of the National Housing Act. Such loans qualify as reserve investments for insurance companies in that state, and are also expressly authorized under the insurance laws of certain other states.

ISA states that if the application is granted it will limit its holdings of insured property improvement loans to an amount not in excess of 15 percent of the value of its total qualified assets. It proposes to value these loans for the purposes of section 28(b) of the Act at their amortized cost, representing the actual cash proceeds of the loans to the obligors. plus amortized discount, less repayments and an appropriate reserve for losses to be established as experience dictates. The cost of originating and servicing the loans will be absorbed out of income on the loans. The application also states that ISA will file annually, as of December 31st of each year and within 60 days thereof, a statement of its loss experience in respect of its holdings of and transactions in property improvement โกลกร

Notice is hereby given that any interested person may, not later than February 8, 1960 at 5:30 p.m., submit to

the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 60-913; Filed, Jan. 29, 1960; 8:49 a.m.]

[File No. 7-2055]

LEAR, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Lear, Incorporated, Common Stock; File No. 7-2055.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission. Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 60-914; Filed, Jan. 29, 1960; 8:49 a.m.]

[File No. 7-2056]

LIBBEY-OWENS-FORD GLASS CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Libbey-Owens-Ford Glass Company, Common Stock; File No. 7-2056.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York

Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

[F.R. Doc. 60-915; Filed, Jan. 29, 1960; 8:49 a.m.]

[File No. 7-2057]

REICHHOLD CHEMICALS, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Reichhold Chemicals, Inc., Common Stock; File No. 7-

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing

on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

· [SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 60-916; Filed, Jan. 29, 1960; 8:49 a.m.]

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

JANUARY 26, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange;

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for

the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 27 to February 5, 1960, both dates

By the Commission.

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 60-917; Filed, Jan. 29, 1960; 8:50 a.m.]

[File No. 7-2058]

TEXAS GULF SULPHUR CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of application by the Detroit Stock Exchange for unlisted

trading privileges in Texas Gulf Sulphur Company, Common Stock; File No. 7-2058.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York

Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

ORVAL L. DUBOIS. Secretary.

[F.R. Doc. 60-918; Filed, Jan. 29, 1960; 8:50 a.m.1

[File No. 7-2059]

TEXTRON, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JANUARY 26, 1960.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Textron, Inc., Common Stock, File No. 7-2059.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges. in the specified security, which is listed and registered on the New York Stock Exchange, Midwest Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before February 10, 1960, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 60-919; Filed, Jan. 29, 1960; 8:50 a.m.]

[File No. 812-1278]

WHEELABRATOR CORP.

Notice of Filing of Application Regarding Participation in Bonus Plan of Affiliated Person of Investment Company

JANUARY 20, 1960.

Notice is hereby given that Wheelabrator Corporation ("Applicant"), has filed an application and an amendment thereto under section 17(d) of the Investment Company Act of 1940 and Rule 17d-1 of the rules and regulations thereunder for an order approving bonus payments to certain designated officers, directors and employees pursuant to a key man profit-sharing plan.

Applicant is a wholly owned subsidiary of Bell Aircraft Corporation which in turn is controlled by The Equity Corporation, a registered investment company. James F. Connaughton, President and one of the proposed participants in applicant's profit sharing plan became a director of Development Corporation of America ("DCA") on April 29, 1959. The Equity Corporation controls Equity General Corporation which in turn controls DCA.

Applicant proposes to distribute pursuant to its plan not more than 10 percent of its so-called "profits remainder," composed in essence of net earnings excluding certain nonrecurring profits and losses, income not attributable to applicant's operation, and provisions for taxes and after certain deductions.

Of the amount to be distributed up to but not more than 5 percent is allocated to employees in the sole discretion of applicant's president and the remainder to certain designated persons in amounts based on compensation paid to the employee during the year.

Applicant states that a profit-sharing plan has been in operation since 1946, using the same basic formula. Applicant further states that Connaughton was appointed a director subsequent to his designation as a participant in the plan, that his participation is due solely to his position as a director and officer of applicant and that there is no possibility of any disadvantage to applicant from the operation of this plan.

Applicant's plan further provides that no person who is an affiliated person of any investment company which is an affiliated person of applicant may be designated to participate in the plan.

Applicant proposes to amend this provision to permit Connaughton to participate in the plan.

Connaughton through his position as director of DCA is an affiliated person of an affiliated person of a registered investment company, Equity Corporation,

which controls applicant. Rule 17d-1 provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person, or any affiliated person of such a person, of a registered investment company or any company controlled by such a company to participate in, or effect any transaction in connection with, any profit-sharing plan in which any such registered company or controlled company is a participant unless an application regarding such plan has been granted by the Commission.

Notice is further given that any interested person may, not later than February 3, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 60-920; Filed, Jan. 29, 1960; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

January 18, 1960.

The Bureau of Public Roads has filed an application, Serial Number 046930 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, excepting mineral leasing. The applicant desires the land for a permanent depot site.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office (Mailing Address: 334 East Fifth Avenue, Anchorage, Alaska).

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice

will be sent to each interested party of record.

The lands involved in the application are:

KENAI AREA

That portion of the N½ of the SW¼SW¼, Section 23, T. 8 N., R. 11 W., S.M., which lies west of the lake.

Containing 12 acres more or less.

L. T. MAIN, Operations Supervisor.

[F.R. Doc. 60-905; Filed, Jan. 29, 1960; 8:48 a.m.]

Office of the Secretary

[Order 2508, Amdt. 36]

BUREAU OF INDIAN AFFAIRS Delegations of Authority

- 1. Paragraph (f) as amended (17 F.R. 1570) of section 11 of Order No. 2508 (14 F.R. 258) is further amended to read as follows:
- (f) Except for attorney contracts and directly related contracts with technical specialists, the approval of contracts with Indian tribes and the determination of fees and expenses thereunder, pursuant to 25 U.S.C. 81, 82 and 84.
- 2. The amendment set forth above shall become effective on January 15, 1960.

(Reorg. Plan No. 3 of 1950, 5 U.S.C. sec. 481, note)

FRED A. SEATON, Secretary of the Interior.

JANUARY 23, 1960.

[F.R. Doc. 60-906; Filed, Jan. 29, 1960; 8:48 a.m.]

SOLICITOR

Delegation of Authority

1. The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

Part 210 of the Departmental Manual has been amended by adding one new subdivision, number (9) and reading as follows, to 210 DM 2.2A (24 F.R. 1348):

PART 210-OFFICE OF THE SECRETARY

Chapter 2-Solicitor

210.2.2 Authority in specified matters. A. The Solicitor is authorized to exercise the authority of the Secretary

- (9) With respect to the approval of attorney contracts with Indian tribes and of directly related tribal contracts with technical specialists, and the determination of fees and expenses thereunderpursuant to 25 U.S.C. 81, 82, 84, and 476. In the exercise of this delegated authority, the Solicitor will consult with the Commissioner of Indian Affairs.
- 2. The amendment described above will become effective on January 15, 1960.

(Reorg. Plan No. 3 of 1950, 5 U.S.C., sec. 481, note)

FRED A. SEATON, Secretary of the Interior.

JANUARY 23, 1960.

[F.R. Doc. 60-907; Filed, Jan. 29, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 27, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 35972: Plaster and related articles—Houston, Tex., to the South. Filed by Southwestern Freight Bureau, Agent (No. B-7720), for interested rail carriers. Rates on plaster, gypsum wallboard, and related articles, in carloads, from Houston, Tex., to points in southern territory and points in Virginia.

Grounds for relief: Market competition, short-line distance formula, grouping, and relief line arbitraries.

Tariff: Supplement 34 to Southwestern Freight Bureau tariff I.C.C. 4200.

FSA No. 35973: Acid phosphate—South Florida points to Winona, Minn. Filed by O. W. South, Jr., Agent (SFA No. A3898), for interested rail carriers. Rates on superphosphate (acid phosphate), in carloads, from Agricola, Fla., and other specified points in Florida, to Winona, Minn.

Grounds for relief: Rail-barge-truck competition.

Tariff: Supplement 80 to Southern Freight Association tariff I.C.C. 1522.

FSA No. 35974: Iron and steel articles from Illinois to Baton Rouge and New Orleans, La. Filed by O. W. South, Jr., Agent (SFA No. A3903), for interested rail carriers. Rates on iron and steel

articles, in carloads, from Alton, East St. Louis, Federal, Ill., and St. Louis, Mo., to Baton Rouge and New Orleans, La.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 91 to Southern Freight Association tariff I.C.C. 1592.

FSA No. 35975: Petroleum naphtha from southwestern and mid-continent origins to central territory. Filed by Southwestern Freight Bureau, Agent (No. B-7724), for interested rail carriers. Rates on petroleum naphtha, in tank-car loads, from southwestern and Mid-Continent origins to central territory stations.

Grounds for relief: Market competition.

Tariffs: Supplement 197 to Southwestern Freight Bureau tariff I.C.C. 4150, and supplement 19 to Southwestern Freight Bureau tariff I.C.C. 4334.

FSA No. 35976: Substituted service—ACL and IC for Alternan Transport Lines, Inc., et al. Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 5), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Jacksonville, Fla., and Chicago, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition

Tariff: Central and Southern Motor Freight Tariff Association, Incorporated, Agent, tariff MF-I.C.C. 213).

FSA No. 35977: Electric incandescent lamps—Owensboro, Ky., to Illinois Territory. Filed by O. W. South, Jr., Agent (SFA No. A3899), for interested rail carriers. Rates on electric incandescent lamps, in carloads, from Owensboro, Ky., to points in Illinois Territory.

Grounds for relief: Short-line distance formula, grouping, and market competition.

Tariff: Supplement 477 to Illinois Freight Association tariff I.C.C. 485.

FSA No. 35979: Asphalt and related articles from the southwest to western trunk line territory. Filed by Southwestern Freight Bureau, Agent (No. B-7721),

for interested rail carriers. Rates on asphalt, petroleum road oil, and petroleum wax tailings, in tank-car loads, from points in southwestern territory, including Kansas, to points in western trunk line territory.

Grounds for relief: Truck competition. Tariff: Supplement 117 to Southwestern Freight Bureau tariff I.C.C. 4279.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35978:

Coarse grains from and to Arkansas and Missouri points. Filed by Southwestern Freight Bureau, Agent (No. B-7723), for interested rail carriers. Rates on barley, corn, milo maize, oats, rye, and soybeans, in carloads, between stations in Arkansas and Missouri, also between such stations and Memphis, Tenn.

Grounds for relief: Maintenance of through one-factor rates from or to points beyond the described points not affected by the same competitive conditions.

Tariffs: Supplement 72 to Southwestern Freight Bureau tariff I.C.C. 4241, and other schedules named in the application.

FSA No. 35980: Grain and grain products—Southwest to Gulf ports. Filed by Southwestern Freight Bureau, Agent (No. B-7722), for interested rail carriers. Rates on grain and grain products, in carloads, as described in the application, from specified points in Arkansas, Louisiana, Missouri, also Natchez, Miss., and Memphis, Tenn., to Baton Rouge and New Orleans, La., Gulfport, Miss., Mobile, Ala., and Pensacola, Fla., for export.

Grounds for relief: Maintenance of through one-factor rates from origins beyond named origins not depressed by same competitive conditions as rates from named origins.

Tariffs: Supplement 9 to Chicago, Rock Island and Pacific Railroad Company tariff I.C.C. C-13601, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-930; Filed, Jan. 29, 1960; 8:52 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during January. Proposed rules, as opposed to final actions, are identified as such.

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